

ORDINANCE 20-05

AN ORDINANCE AMENDING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 19, “SPECIAL DEVELOPMENT DISTRICT”, SECTION 14, “SD(HARADA)” TO ALLOW FOR CARPORTS, SPECIFICALLY A SOLAR CARPORT, IN THIS SD(HARADA) ZONE DISTRICT; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 21 of the Sandy City Municipal Code (formerly Title 15A of the Revised Ordinances of Sandy City), Chapter 19, “Special Development District”, Section 14, “CD(Harada)” to allow for carports, specifically a solar carport, in this SD(Harada) zone district; and

WHEREAS, the Planning Commission held a public hearing on May 21, 2020 which meeting was preceded by notice by publication in the Salt Lake Tribune on May 7, 2020, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on May 5, 2020; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on June 16, 2020 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. Whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit “B”**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this 16 day of June, 2020.

DocuSigned by:
Kris Nicholl
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Kristin Coleman-Nicholl, Sandy City Council

ATTEST:

DocuSigned by:
Wendy P
688E7E8272014B1...
City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 2nd day of March, 2020.

APPROVED this 2nd day of March, 2020.

DocuSigned by:
Kurt Bradburn
1921B3EB6D3D4D3...
Kurt Bradburn, Mayor

ATTEST:
DocuSigned by:
Wendy P
688E7E8272014B1...
City Recorder

PUBLISHED this 7 day of March, 2020.



Exhibit "A"

Sec. 21-19-14. - SD(Harada)—7575 S. Union Park Avenue.

- (a) *Purpose.* The purpose of this zone is to provide an area of professional and business offices, non-retail services, restaurants, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments shall have architecture that is compatible with residential uses. All site plans for proposed development shall be reviewed and approved by the Planning Commission.
- (b) *Uses Allowed.*
 - (1) *Permitted Uses.*
 - a. Accessory uses associated with an approved use.
 - b. Business and financial services.
 - c. Medical and health care services.
 - d. Mixed use development.
 - e. Mortuary, funeral home.
 - f. Research park.
 - (2) *Conditional Uses.*
 - a. Alcoholic beverage package agency.
 - b. Alcoholic beverage on-premises recreational beer retailer license.
 - c. Alcoholic beverage reception center license.
 - d. Alcoholic beverage, restaurant, beer-only license.*
 - e. Alcoholic beverage, restaurant, full service license.*
 - f. Alcoholic beverage, restaurant, limited service license.*
 - g. Assisted living facility, both limited and large capacity.
 - h. Bed and breakfast facility.
 - i. Compatible, low traffic generating retail uses, as determined by the planning commission.
 - j. Day care, group.
 - k. Hotel/motel.
 - l. Nursing home.
 - m. Plant nursery.
 - n. Public service.
 - o. Public utility station.
 - p. Recreation, indoor.
 - q. Residential facility for elderly.
 - r. Residential facility for handicapped.
 - s. Restaurant, drive-up window (east of Union Park Avenue only).
 - t. Restaurant (sit-down only).
 - u. Retirement home.

- v. School, commercial.
- w. School, private or quasi-public.
- x. Social or reception center.

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
 - (2) Lighting of the building at the entrance.
 - (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.
- (c) *Development Standards.* Planning Commission review is required according to standards outlined in Chapter 21-32. The following standards are to be considered as applying specifically to development in this zone, in addition to general standards provided in Chapter 21-23:
- (1) *Building Height.* Buildings shall be erected to a height no greater than 35 feet from average grade, except for the following: With the anticipated uses of this property, structures oriented towards Union Park Avenue may exceed 35 feet in height, as may be approved by the Planning Commission.
 - (2) *Setback requirements.* All buildings shall be set back at least 30 feet from all property lines, except that the Planning Commission may allow 20-foot setbacks along Union Park Drive where there is landscaping between the structure and the street. Uses may be developed conjointly at the side yards with shared party walls. If buildings are not joined, there shall be at least a ten-foot setback from each side and a 30-foot rear setback. Side yards and rear yards shall be developed and landscaped as described in Chapter 21-25.
 - a. Within the SD-Harada Zone, the planning commission may, upon application, permit solar carports that support solar energy systems that deviate from any regulation in the zoning code, such as setback requirements, lot coverage, and location.
 - b. Notwithstanding Section 21-11-22, solar carports shall be excluded from the setback requirements but shall be subject to the remaining requirements of Section 21-11-22.
 - (3) *Architecture and Signs.* Development shall have an overall architectural and signage theme, and shall be so designed to enhance residential compatibility.
 - (4) *Landscaping.* Development shall be appropriately landscaped with ground covers, trees, and shrubs, with special attention given to the preservation of existing vegetation and hillside areas. Landscape berms and heavy tree cover is encouraged, particularly as a replacement for fences and walls.
 - (5) *Access.* Development shall have appropriate access based upon the type of uses approved, as may be recommended and approved by the Traffic Engineer and Planning Commission. Mixing of traffic with the adjacent neighborhood should be controlled through the use of limited secondary access or emergency access.
 - (6) *Site Plan Review.* All site plans shall be reviewed by the Planning Commission. In addition to the typical site plan submittals, the following shall also be submitted for review by the Commission: Traffic Study and a market analysis based upon the type of land uses proposed, overall Grading Plan, and overall Landscape Plan with particular attention given to the "backside" slope of the development and along the residential interface.

(LDC 2008, § 15A-19-10; Ord. No. 10-22, 7-12-2010; Ord. No. 15-03, 1-22-2015; Ord. No. 17-09, 3-9-2017)

Exhibit "B"

Sec. 21-19-14. - SD(Harada)—7575 S. Union Park Avenue.

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 - a. Carports may be approved by the Planning Commission within approved parking lot areas in the side and rear yard. The parking lot area in the front yard may only be utilized for carports if the lot does not have street frontage. All design requirements of the Architectural Design Standards shall apply along with all other requirements of the Land Development Code.
 - (3) *Architecture and Signs.* Development shall have an overall architectural and signage theme, and shall be so designed to enhance residential compatibility.
 - (4) *Landscaping.* Development shall be appropriately landscaped with ground covers, trees, and shrubs, with special attention given to the preservation of existing vegetation and hillside areas. Landscape berms and heavy tree cover is encouraged, particularly as a replacement for fences and walls.
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