

**ORDINANCE # 22-18**

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 19, "SPECIAL DEVELOPMENT (SD) DISTRICTS", SECTION 34, "SD(R-1-30A) BELL CANYON ACRES – 10600 S. 1300 E." TO AMEND THE REQUIREMENTS OF THIS SPECIAL DEVELOPMENT (SD) ZONE THAT WOULD REFINE THE SPECIAL REGULATIONS INTENDED TO FURTHER ENCOURAGE THE PRESERVATION OF THIS AREA'S UNIQUE IDENTITY AND REFINE REQUIREMENTS THAT HAVE PROVEN DIFFICULT TO APPLY AND ENFORCE; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 19, "Special Development (SD) Districts", Section 34, "SD(R-1-30A) Bell Canyon Acres-10600 S. 1300 E." to amend the requirements of this Special Development (SD) Zone that would refine the special regulations intended to further encourage the preservation of this area's unique identity and refine requirements that have proven difficult to apply and enforce, and address existing non-conforming conditions within the area; and

WHEREAS, the Planning Commission held a public hearing on November 17, 2022, which meeting was preceded by notice 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 October 27, 2022; 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 December 20, 2022 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.

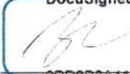
NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, 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 March 1st, 2023 or upon the adoption of an ordinance creating a large animal hobby license, whichever is first.


PASSED AND APPROVED this 20th day of December, 2022.


DocuSigned by:  
  
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Zach Robinson, Sandy City Council Chair

ATTEST:  
DocuSigned by:  
  
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City Recorder

PRESENTED to the Mayor of Sandy City for her approval this 23rd day of January, 2023.

APPROVED this 23rd day of January, 2023.

DocuSigned by:  
  
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Monica Zoltanski, Mayor

ATTEST:  
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City Recorder

PUBLISHED this 24 day of January, 2023.



**Exhibit "A"**

## Sec. 21-19-34. SD(R-1-30A) Bell Canyon Acres—10600 S. 1300 E.

All requirements pertaining to an R-1-30A Zone District shall be applicable except as specifically set forth otherwise herein.

- (1) ~~(1)~~—*Purpose.* The purpose of the SD(R-1-30A) District is to provide and perpetuate a rural residential environment within Sandy City that is characterized by large single-family homes-lots with farm animal rights. This is a unique community that was developed to cater to horse owners. Its proximity to the Dimple Dell Regional Park adds to the unique nature of the community. It has access to the horse trails of the park and was developed as per the recorded subdivision plat with an extensive network of ~~bridle~~ trails within the community. Certain unique ~~restrictions-regulations~~ are necessary to maintain the agricultural nature of the community.
- (2) *Definitions Applicable to this Section.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- a. *Horse Boarding means a private stable and related facilities for the keeping of horses located on a single-family lot that is used for the housing, daily care, and maintenance of horses that are not owned by the homeowner or resident.*
- (23) *Uses Allowed.* All uses shall be regulated as allowed under section 21-7-2 of the R-1-30A Zoning District, except described in this section and as follows:
- a. *Horse Boarding.* This use may be permitted as an ancillary use only if the home is owner occupied. The use will not be regulated as a business or a home occupation. This use is not allowed if operated by a commercial entity or property renter. All other kenneling or boarding of any other animal is expressly prohibited. ~~Permitted Uses. All permitted uses currently allowed under the R-1-30A Zoning District.~~
- b. ~~Conditional Uses. All conditional uses currently allowed under the R-1-30A Zoning District.~~
- c. ~~Special Uses. All special uses currently allowed under the R-1-30A Zoning District unless expressly shown herein.~~
- d. ~~Not Permitted Uses. All uses currently not allowed under the R-1-30A Zoning District.~~
- (34) *Lot and Yard Regulations.* See the standards for an R-1-30 Residential District in Chapter section 21-20.
- (45) *Farm Animal Area Set Aside.* A minimum of 5,000 square feet of usable square footage must be designated and maintained on each lot for the housing and containment of farm animals (the "farm animal area set aside"), regardless of whether or not farm animals are maintained on the lot. This area may consist of stables, hay barns, turnouts, etc., or any other structure that its primary use is related to the keeping of farm animals. Areas that may not be used to satisfy the farm animal area set aside include front yard (area between the front plane yard area of the home and the street or minimum 30-foot setback from street right-of-way, whichever is greater); side yard (15 feet from primary dwelling); rear yard (30 feet from primary dwelling); and areas dedicated for other uses (bridle paths, pools, non-animal related accessory structures, etc.). Side and rear yard areas that are 25 feet or greater in width may be used as the farm animal area set aside and must be contiguous areas on the lot. The farm animal area set aside may be used for other purposes when not needed for farm animal housing and ~~confinement, but~~ confinement but must be easily returnable to an area for housing and containment of farm animals. Structures and other improvements (such as sport courts, patios, parking areas, paved driveways, etc.) that would have to be removed or substantially modified in order to return the farm animal use the area set aside to for farm animal housing and containment are not allowed within the

## Exhibit "A"

farm animal area set aside. The farm animal area set aside may not be used at any time for residential dwellings (see Figure 1).



Figure 1 - Diagram of Farm Animal Set Aside Area (not drawn to scale)

- (56) Ratio of Large Farm Animals to Lot Size. Keeping of farm animals shall be regulated as stated in section 21-11-3, except for the Ratio of Animals to Lot Size for Farm Animals. Definitions of what constitutes a small, medium, and large animal can be found in section 21-37-7(3)). The following ratios of animals to gross land area shall apply:
- a. Two large animals may be kept per first one-half acre of lot size (no less than 20,000 square feet) and additional large animals may be kept at a ratio of one per additional one-eighth acre (no less than 5,000,500 square feet) of lot size to a maximum of four large animals per lot. In addition, one offspring under the age of 12 months may be kept on the property and shall not be tabulated in the allowed number of farm animals.

Exhibit "A"

- b. Medium animals may be kept at a ratio of one per 4,000 square feet of lot size.
- c. Small animals may be kept at a ratio of one per 400 square feet of lot size.
- d. Miniature horses shall be considered medium animals in this zone only.
- e. Vietnamese potbellied pigs shall be limited to no more than two per lot.
- f. Unless a special use permit is obtained as described below, no lot shall have more than a maximum of four large animals, or ten medium animals, or 50 small animals.
- g. Combinations of each size of animal may be kept at these ratios listed above. For example, a 30,000 square foot lot could have a combination of three large animals (22,500), one medium animal (4,000), and eight small animals (3,200). See breakdown table below:

<b>Example of Farm Animal Ratio Breakdown</b>	
<u>k = 1000</u>	<u>Gross Lot Square Footage = 30,000 sq ft</u>
<u>Large</u>	<u>3 x 7.5k = 22.5k</u>
<u>Medium</u>	<u>1 x 4k = 4k</u>
<u>Small</u>	<u>8 x 0.4k = 3.2k</u>
<u>Total</u>	<u>3 Large (22.5k) + 1 Medium (4k) + 8 Small (3.2k) = 29.7k</u>

(67) Special Use Permit for Keeping of Additional Large-Farm Animals. Lot owners that maintain a more than half of their gross lot area in farm animal area set aside may be allowed to keep additional animals on their lot through a ~~apply for a~~ special use permit from the Sandy City Community Development Department at the ratios specified below and if certain criteria is met: ~~to keep additional large animals on their lot.~~

- a. Under this special use permit, the following ratios of animals to dedicated farm animal area set aside shall apply:
  - (1) Large animals may be kept at a ratio of one per 3,000 square feet. ~~large animals may be kept at a ratio of one additional large animal per additional 5,000 square feet of additional farm animal area set aside beyond a base of 10,000 square feet of area set aside~~ In addition, one offspring under the age of 12 months may be kept on the property and shall not be tabulated in the allowed number of farm animals.
  - (2) Medium animals may be kept at a ratio of one per 2,000 square feet.
  - (3) Small animals may be kept at a ratio of one per 200 square feet.
  - (4) In no case shall this permit grant more than a maximum of ten large animals, or ten medium animals, or 50 small animals per lot.
  - (5) Combinations of each size of animal may be kept at these ratios as listed above. For example, up to a maximum of ten large animals per lot a 30,000 square foot lot (gross area) with 20,000 square feet of dedicated farm animal area set aside would allow for a combination of five large animals (15,000) and two medium animals (4,000) and five small animals (1,000). See breakdown table below:

<b>Example of Farm Animal Ratio Breakdown – Special Use Permit –</b>	
<u>k = 1000</u>	<u>Lot Farm Animal Set Aside Area – 20,000 Sq Ft</u>
<u>Large</u>	<u>5 x 3k = 15k</u>

## Exhibit "A"

Medium	<u>2 x 2k = 4k</u>
Small	<u>5 x 0.2k = 1k</u>
Total	<u>5 Large (15k) 2 Medium (4k) 5 Small (1k) = 20k</u>

~~provided the following minimum requirements are met:~~

~~a**b.** Owner Occupancy. The owner of the subject property shall live in the primary dwelling unit and must reside therein as their primary residence.~~

~~(1) An individual shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50 percent or more ownership of the primary dwelling. The fee title owner may not be a corporation, partnership, limited liability company, or similar entity.~~

~~(2) To establish that the property is the owner's primary residence, the owner shall:~~

~~a. Present the owner's most recent State and Federal tax returns both listing the property as the owner's primary residence; or~~

~~b. Present a government-issued identification document listing the address of the property as the address of the owner; and~~

~~a-c. A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, and they will occupy the property as their residence, except for bona fide temporary absences. ~~Residency.~~ The applicant must certify and may be required to prove that the property upon which a special use permit is being sought is owned by the applicant and is the applicant's primary residence.~~

~~b**c.** Farm Animal Area Set Aside. This area must be actively used and preserved for the purpose of keeping farm animals (including fencing). Areas that merely could be used for farm animals, but is not currently being used as such (play areas, landscaped yards, gardens, unfenced yard areas, etc.), will not be used in determining additional farm animal area set aside.~~

~~e**d.** Shelter. Shelter shall be provided for all large animals on the property at all times. At a minimum, ~~a~~this shelter shall consist of three solid walls, a pitched or slanted roof and provide ventilation. This shelter must meet all Building Code requirements. The minimum space required for shelter shall be 120 square feet per large animal. An outdoor animal domicile structure is required for all other farm animals. A plot plan must be submitted to illustrate the location of all proposed and existing structures and facilities.~~

~~e**e.** Waste Removal. A Waste Management Plan must be submitted to provide for the elimination of potential nuisances, including unsanitary conditions, odors, rodents, and flies. At a minimum, the plan must ensure routine cleaning of shelter space of all manure and waste. This plan must provide details of how the removal from the premises or proper recycling of manure and other waste products will be accomplished. The waste removal plan is subject to the approval of the Community Development Department, Sandy City's Animal Services Division, affected water districts, and the Salt Lake Valley Board of Health.~~

~~e. Proof of Ownership. Boarding of animals is prohibited. An applicant shall provide proof of ownership of all large animals on the property. Acceptable forms of proof are the following: a notarized bill of sale (if not notarized, the canceled check with the bill of sale is acceptable), a brand inspection certificate, an auction invoice from an accredited auction, or equine registration papers in the current owner's name.~~

## Exhibit "A"

- f. *Review.* The applicant shall at all times remain in compliance with all the requirements of the special use permit, the City's ordinances and state laws pertaining to animals and nuisances and the regulations of the Salt Lake Valley Board of Health. The Community Development Department, the City's Animals Services Division, and the Salt Lake Valley Department of Health shall be allowed to inspect the property at reasonable times to verify compliance. This special use permit may be reviewed upon legitimate complaint or failure to comply with the requirements herein. If the applicant is found to be out of compliance, this special use permit may be revoked by the Community Development Director.

(8) Additional Square Footage for Accessory Structures. The total maximum square footage of all accessory buildings on a lot may be increased from the permitted size listed in section 21-11-2 upon receipt of a conditional use permit from the Sandy City Planning Commission if the following criteria are met:

- a. The square footage of all accessory structures approved in this process may increase up to a maximum of 20 percent of the rear yard area, less bridle path areas.
- b. The requested increase of square footage is used exclusively for animal domiciles or related to the keeping of animals (stables, hay barns, etc.). The typical permitted maximum square footage of accessory buildings may be used for all other purposes, but all structures beyond the maximum size permitted by right will be restricted in the use thereof.

(9) Fencing. Lot fencing shall be regulated as stated in section 21-28, except for the following exceptions:

- a. A six-foot open style fence for the keeping of animals is allowed within a portion of the front yard area. The fence may not be in front of the home (that area between the front of the home and the street and at least 15 feet on either side of the home) and must be located outside of any required sight visibility triangle areas (see Figure 2).

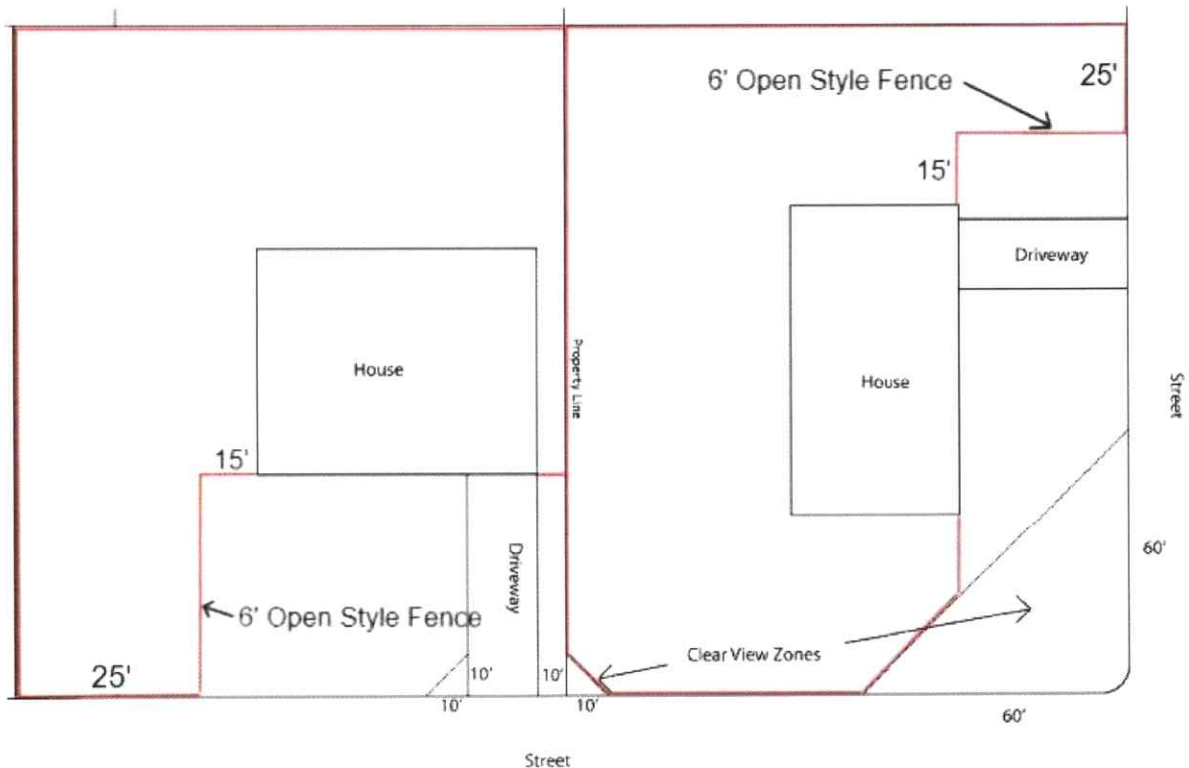


Figure 2 - Fence Diagram (not drawn to scale)