

ORDINANCE 18-22

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, CHAPTER 37, "DEFINITIONS" AND CHAPTER 8, "LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS" BY MODIFYING THE LAND USE TABLES AND ADDING SOME TERMS RELATED TO ALCOHOL AND RETAIL TOBACCO SPECIALTY STORES; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, Chapter 37, "Definitions" and Chapter 8, "Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts" by modifying the land use tables and adding some terms related to Alcohol and Retail Tobacco Specialty Stores; and

WHEREAS, the Planning Commission held a public hearing on July 19, 2018 which meeting was preceded by notice by publication in the Salt Lake Tribune on July 5, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, and the Utah Public Notice Website - <http://pmn.utah.gov> on June 29, 2018; 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 August 21, 2018 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on August 7, 2018, 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 August 2, 2018; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts 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 general 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 reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing 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 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

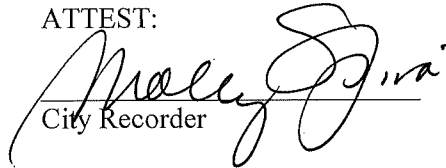
Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance 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 if 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 upon publication of a summary thereof.

PASSED AND APPROVED this 21st day of August, 2018.

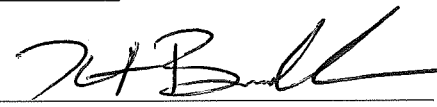

Steve Fairbanks, Chairman
Sandy City Council

ATTEST:

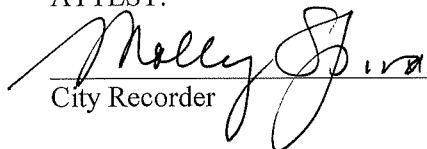

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 28th day of AUGUST, 2018.

APPROVED this 28th day of AUGUST, 2018.


Kurt Bradburn, Mayor

ATTEST:


City Recorder

PUBLISHED this 30th day of August, 2018.



Exhibit "B"

15A-37-02 "A" Definitions

Alcohol or Tobacco Specialty Store - A commercial establishment ~~in which that~~, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of alcohol and/or tobacco products, and any one or more of the following factors:

- i. The sale of alcohol or tobacco products accounts for more than 35% of the total annual gross receipts for the establishment, except as allowed within this Title such as Alcoholic Beverage State Liquor Store and Alcoholic Beverage Package Agency; ~~or~~
- ii. 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; or Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- iii. 20% or more of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of tobacco products; or The establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
- iv. If less than 80% of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of other items, products and merchandise unrelated to tobacco products; or
- v. The retail space features a self-service display for tobacco products (as defined in Utah State Code); or
- ~~iii~~.vi. The name of the business or marketing of the business evidences the establishment as a retail alcohol or tobacco specialty store.

Tobacco product means:

- i. Any cigar, cigarette, chewing tobacco, or electronic cigarette as defined in ~~Section 76-10-104~~ Utah State Code.
- ii. Any substitute for a tobacco product, including flavoring, or additives to tobacco; and
- iii. Tobacco paraphernalia as defined in Utah State Code ~~Section 76-10-104.1~~.

15A-08-02 Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts

C. Explanatory Notes for Land Use Matrix.

10. This use is not permitted if any part of the proposed/existing building containing the use is within:
 - a. 1,000 feet from any community location (such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade). Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store.
 - b. 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such

use. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.

b.c. 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street. The distance shall be measured in a straight line from the right-of-way boundary to the property line of the alcohol or tobacco specialty store.

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Exhibit "A"

15A-37-02 "A" Definitions

Alcohol or Tobacco Specialty Store - A commercial establishment that, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of alcohol and/or tobacco products, and any one or more of the following factors:

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 - b. 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the

zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.

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