

ORDINANCE #17-10

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY AMENDING CHAPTER 3, "OFFICERS, BOARDS AND COMMISSIONS" TO REMOVE THE PLANNING COMMISSION AND CITY COUNCIL LIAISONS FROM THE PLANNING COMMISSION AND BOARD OF ADJUSTMENT; 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, by amending Chapter 3, "Officers, Boards and Commissions" to remove the Planning Commission and City Council liaisons from the Planning Commission and Board of Adjustment; and

WHEREAS, the Planning Commission held a public hearing on February 2, 2017 which meeting was preceded by notice by publication in the Salt Lake Tribune on January 19, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on January 13, 2017; 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 February 28, 2017 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on January 19, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on January 13, 2017; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. (2012) 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. where by 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.

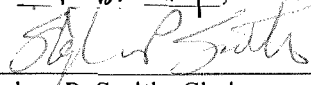
NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

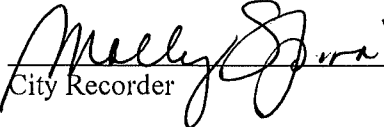
Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance 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 on July 1, 2017 thereof.

PASSED AND APPROVED this 28 day of February, 2017.

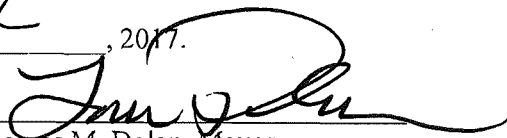

Stephen P. Smith, Chairman
Sandy City Council

ATTEST:

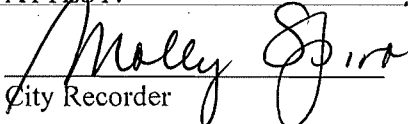

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 8th day of March, 2017.

APPROVED this 8th day of March, 2017.


Thomas M. Dolan, Mayor

ATTEST:


City Recorder

PUBLISHED this 9th day of March, 2017.

Exhibit "A"

15A-03-03 Land Use Authorities

A. Planning Commission

1. **Purpose.** The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in this Code. This does not include policy making powers of the City that remain under the control of elected officials.
2. **Creation and Membership**
 - a. **Membership and Alternates.** There is hereby created a Planning Commission for Sandy City, Utah, to be known as the Sandy City Planning Commission. Said Commission shall consist of seven members and two alternates to be appointed by the Mayor, with the advice and consent of the City Council. The alternates shall attend all meetings but shall not vote on Commission decisions unless serving in the place of a regular member. When an alternate is needed to fill the place of a regular member, the two alternate members shall rotate the responsibility. ~~Additionally, one member of the City Council shall be appointed semi-annually by the Council to serve as the City Council's liaison to the Planning Commission. Such Council member shall have the right to attend all meetings of the Commission and take part in all discussions but shall not vote on Commission decisions.~~ Funding for the Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.

15A-03-04 Appeal Authorities

A. Board of Adjustment

1. **Purpose.** In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
2. **Creation and Membership.** The Board of Adjustment shall consist of five regular members and two alternate members.
 - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
 - b. The Mayor shall appoint regular members of the Board of Adjustment to terms so that the term of one member expires each year. The Mayor shall appoint alternate members in such a manner that at least a 2-1/2 year gap will exist between term expirations.

- ~~e. One member of the Planning Commission shall be appointed semi-annually by the Commission to serve as the Commission's liaison to the Board of Adjustment. Such Planning Commission member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions but shall not vote on the Board of Adjustment decisions. Notwithstanding, the Commission's liaison to the Board of Adjustment shall not take part in discussions or decisions on conditional use permit appeals. (Ord 16-15, Amended 3-28-2016)~~
- ~~d. One member of the City Council shall be appointed semi-annually by the Planning Commission to serve as the Council's liaison to the Board of Adjustment. Such Council member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions but shall not vote on the Board of Adjustment decisions.~~
- ce. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
- df. Alternate members are to serve in the absence of members of the Board of Adjustment upon request of the chairman. Alternate members are to attend all meetings of the Board of Adjustment. The chairman shall establish a service rotation system which provides that alternate members serve on the Board approximately the same amount.
- eg. Members of the Board of Adjustment may be removed as established by the City's Administrative and Legislative Codes.
- fh. Vacancy on the Board of Adjustment.
- (1) The Mayor, with the advice and consent of the City Council, shall fill any vacancy.
 - (2) The person appointed shall serve for the unexpired term of the member or alternate member whose seat was vacated.