SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE
OFFICER

Staff Report Memorandum

May 16, 2024

To:	City Council via Planning Commission	
From:	Community Development Department	
Subject:	Amendments to Title 21 of the Land Development Code related to Rear Setback Exceptions	CA04262024-0006760

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

On behalf of Sandy City, the Community Development Department is proposing to amend Title 21, *Land Development Code*, Chapter 37, *Definitions*, Section 20, *"S" Definitions*. The code amendments will bring the residential rear setback standards for uncovered landings, uncovered walkout porches, and window wells in line with the Utah Code. The specific amendments to the Land Development Code are included as Exhibit "A" (red-lined version) and Exhibit "B" (clean version).

Background

During the 2024 Utah Legislative Session, House Bill 476 was passed, which enacted language relating to residential rear setback exceptions for uncovered landings, uncovered walkout porches, and window wells (UCA 10-9a-538, Residential Rear Setback Limitations). The proposed code amendment will bring the City's land use code under Sec. 21-34-20(21) into compliance with these new state law provisions.

Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

Analysis

The term "*Setback*" is defined as the shortest distance between the property line and the building, and it identifies specific exceptions that are allowed within a particular setback (Sec. 21-37-20(21)). To implement the new state law, the definition of setback is proposed to be amended to allow residential rear setback exceptions for uncovered landings, uncovered walkout porches, and window wells, consistent with House Bill 476. The specific language of the proposed code amendment is shown under Exhibit "A" (red-lined version) and Exhibit "B" (clean version).

Non-Conforming Uses

This code amendment would not create any non-conforming situations.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

> ***21-1-3 Purpose***
>
> *This Code is adopted to implement Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:*
>
> 1. ***General***
>   a. *To facilitate the orderly growth and development of Sandy City.*
>   b. *To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
>   c. *To stabilize property values.*
>   d. *To enhance the economic well-being of Sandy City and its inhabitants.*
> 2. ***Implementation of General Plan***
>   *To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.*
> 3. ***Comprehensive, Consistent and Equitable Regulations***
>   *To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.*
> 4. ***Efficiently and Effectively Managed Procedures***
>   a. *To promote fair procedures that are efficient and effective in terms of time and expense.*
>   b. *To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*
>   c. *To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes fair procedures that are efficient and effective in terms of time and expense; facilitates the orderly growth and development of Sandy City; and is consistent with the Sandy City General Plan.

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, relating to rear setback exceptions as shown in Exhibit "A", based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety, and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Melissa Anderson
Zoning Administrator

Exhibits:

A. Proposed code amendments (red-lined version)
B. Proposed code amendments (clean version)

File Name: S:\USERS\PLN\STAFFRPT\2024\CA04262024-0006760 - HB476 LANDING SETBACK EXCEPTION\STAFF REPORT\STAFF REPORT - REAR SETBACK EXCEPTIONS.FINAL.DOCX

Sec. 21-37-20. "S" Definitions.

…

(21) *Setback.* The setback for all structures is the shortest distance between the property line and the building or any portion thereof excluding the following:

a. Window awnings and unenclosed front entry and steps not protruding more than five feet into the setback area.

b. Uncovered patios.

c. Decks and balconies not greater than two feet in height from grade, and not less than four feet from the rear property line and eight feet from the side property line.

d. Decks and balconies not greater than eight feet above grade and not less than ten feet from the rear lot line.

e. Chimney and roof overhangs protruding no greater than two feet into the setback area.

f. Uncovered above-ground landing (platform) that is with or without stairs or an uncovered ground level walkout porch, that is within the rear setback and meets all the following standards:

1. Landing or porch area is no more than 32 square feet in size;

2. Stairs from a landing to the finished grade shall be allowed provided that the stairs extend no closer to the rear property line than the extent of the landing;

3. Connected to the rear of a residential dwelling; and

4. Used for ingress to and egress from the rear of a residential dwelling;

g. Window wells within the rear setback that allow for emergency ingress to and egress from the rear of a residential dwelling through a window to a basement that is fully or partially below ground.

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