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COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

March 14, 2019

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**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Accessory Structures CODE-12-18-5584  
Amending a portion of Title 15A, Chapter 11-02, Accessory Structures, Land Development Code, Revised Ordinances of Sandy City, 2008

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**HEARING NOTICE:** *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

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### REQUEST

The Community Development Department has filed a request to amend Title 15A, Chapter 11-02, Accessory Structures, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to revise requirements regarding detached garages, particularly in the side yard.

### BACKGROUND

The city has made several changes over the years since the 2008 Code was originally adopted. These have been done to further refine and alter the regulations for accessory structures to better address balancing individual property rights with impacts to surrounding property owners. This proposal further refines these regulations.

### ANALYSIS

The original intent of this section of the code was to require any detached garage or structure over 240 sq. ft to be placed in the rear yard, rather than the side yard (see 15A-11-02(A)(1)(g)). Detached structures in the side yard are also limited to 10' in height in the side yard area (see 15A-11-02(A)(3)). This was done with the intent to limit the impact of larger structures to the surrounding property owners.

We have had applications in the past where a lot had a large side yard yet not a deep rear yard. As such, they could not meet the letter of the code. We have presented them with options to attach to

the home or attach it with a breeze way or connected roof line. Sometimes this has resulted in less than desirable outcomes.

The proposed amendment would allow for a detached structure in the side yard if it otherwise meets the setbacks of the primary dwelling as though it were attached. It would also allow for building height above ten feet (10') to match what would be permitted if it were located in the rear yard. The same process for increased square footage and height would apply as described elsewhere in the code.

The clean version of all final proposed text is shown in Exhibit "A" attached hereto. A full detail of all redlined changes is shown in the attached Exhibit "B".

### **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 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

#### **15A-01-03 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 will create consistency and equitable standards under which accessory buildings will be evaluated for properties within the City.

### **GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a positive recommendation to approve a code amendment to amend a portion of Title 15A, Chapter 11-02, Accessory Structures, Land Development Code, Revised Ordinances of Sandy City, 2008 (Exhibit "A") based on the following findings:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Reviewed by:

Mike Wilcox  
Zoning Administrator

## Exhibit "A"

### 15A-11-02 Accessory Structures

#### A. Residential Standards

1. Setbacks and Location Restrictions.

- g. Detached Garages. Detached garages or any detached structure 240 sq. ft. or larger shall be substantially set within the rear yard of the home. They shall not be permitted in the side yard, except for minor encroachments as determined by the Director, or unless the structure meets or exceeds the minimum setbacks of the primary dwelling. These structures will not be allowed to have an additional access to the public right-of-way closest to the structure, unless the Transportation Engineer reviews and approves the location based upon established standards of this code and after considering safety of pedestrians and vehicular access.

3. Maximum Height.

a. Table of Maximum Accessory Structure Height.

Zone Classification	Side Yard	Rear Yard
	Maximum Height to Peak	Maximum Height to Peak
R-1-12 or smaller (i.e., R-1-9, -8, etc)	10*	15
R-1-15 or larger (i.e. R-1-30, -40, etc)	10*	20

\* If the structure otherwise meets the minimum setbacks for the zone for a primary dwelling, it may be built up to the maximum height of the rear yard. The Planning Commission may review a request for additional height through a Conditional Use Permit.

- 1) For those zones not listed (such as "SD" and "PUD" zones), the residential district most closely associated with that zone shall be used to determine the maximum height allowable. All zones with animal rights (with the "A" designation at the end of the zone classification) shall conform to its' similar non-animal right zone classification.

## Exhibit “B”

### 15A-11-02 Accessory Structures

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