

ORDINANCE 21-36

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 23, “GENERAL CEMMERCIAL, OFFICE, INDUSTRIAL, AND TRANSIT DEVELOPMENT STANDARDS” TO PERMIT MORE FLEXIBILITY WITH SETBACK REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE IF CERTAIN CRITERIA IS MET; 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 23, “General Commercial, Office, Industrial, and Transit Development Standards” to permit more flexibility with setback requirements in the Central Business District (CBD) Zone if certain criteria is met; and

WHEREAS, the Planning Commission held a public hearing on November 4, 2021, 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 21, 2021; 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 7, 2021 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 up on publication of a summary thereof.

PASSED AND APPROVED this 7th day of December, 2021.

DocuSigned by:
Alison Stroud
Alison Stroud, Sandy City Council Chair

ATTEST:
DocuSigned by:
Wendy R
City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 13th day of December, 2021.

APPROVED this 13th day of December, 2021.

DocuSigned by:
Kurt Bradburn
Kurt Bradburn, Mayor

ATTEST:
DocuSigned by:
Wendy R
City Recorder

PUBLISHED this 13 day of December, 2021.



Exhibit "A"

Sec. 21-23-3. General Commercial and Industrial Development Standards.

- (4) *General Building Locations and Setbacks.* In addition to the specific building setback requirements listed in each individual district, the following general standards shall apply:
- No building shall be closer than six feet from any private road, driveway, or parking spaces in order to allow areas adjacent to the building for foundation landscaping and buffering of pedestrian walkways. Exceptions may be made for any portion of the building that contains a drive-up window or where the Planning Commission may approve a zero-foot setback.
 - Except as specified in the Storefront Conservation Floating Zone, the public right-of-way boundary shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public right-of-way boundary, all such sides shall be considered as front property lines.
 - In all cases, the area between the front property line and the building shall be known as the front yard.
 - Table of Minimum Building Setbacks. All measurements are in feet and all front setbacks are measured from the top back of curb.

District	Front Standard Setback*	Side, Shared Party Walls Allowed	Side, No Shared Walls	Side, Abut Residential**	Rear, Standard	Rear, Abut Residential District**
RC District	25	Y	10	30	20	30
CC District	25	Y	10	30	20	30
CN District	25	Y	10	30	20	30
CN(HSN) District	0-25 ¹	Y	0-10 ¹	30	0-20 ¹	20
BC District	25	Y	10	30	10	30 ²
CvC District	25	Y	10	30	20	30
HBD District	0-25 ³	Y	0-10 ³	0-15 ³	0-15 ³	0-15 ³
CR-PUD District	25	Y	0	0	0 ⁴	0 ⁴
LC District	25	Y	10	30	10	30
PO District	25	Y	10	30	30	30
ID District	25	Y	10	30	1	30
CBD District	25 ⁶	Y	10 ⁶	30	20 ⁶	30
CBD-P District	See Note #6 below					
CBD-O District	See Minimum landscape standards for CBD Zone					
CBD-A&C District	See Note #6 below					
Automall District (Dealer Area)	94	Y	15	—	0 ⁵	—
Automall District (Commercial Area)	25	N	10 ⁵	—	10 ⁵	—
RD District	25 ⁷	Y	10	10	20 ⁷	20 ⁷

* Except as modified by the Storefront Conservation Floating Zone, a minimum of 15 feet from the back of sidewalk shall be maintained for all buildings regardless of the minimum setback shown in the table, except where a zero-foot setback is allowed and used.

Exhibit "A"

** Exception: For commercial developments with a dedicated open space area (canal, trail, etc.), between the proposed development and an adjacent residential district, the setback can be reduced to a minimum of ten feet from the commercial developments property line rather than the typical 30 feet.

Notes:

6. *CBD Districts.*a. *CBD and CBD-O.*

1. Building and parking setbacks along Interstate 15 shall be a minimum of 50 feet or an average of 50 feet with no point closer than 40 feet.
2. For new or existing developments in the CBD Zoning District over ten acres in size, the Planning Commission may be allowed to modify the setbacks after considering the following factors:
 - (i) Overall Master Plan layout for new or expanded development of the project, or a site plan of the existing development.
 - (ii) Relationship and impact to other existing or proposed buildings on-site and adjoining properties (present and future) and whether such setback modifications is compatible with the scale and design of said buildings.
 - (iii) Physical features such as rail lines, canals, and controlled ingress and egress.
 - (iv) Location of any public utility easements.
 - (v) Compliance with all applicable building and fire code requirements.
23. Side and Rear Yard for CBD. The Planning Commission may approve, during site plan review, a zero side and/or rear yard setback for parking structures that are placed underneath or behind the main building, or for manufacturing uses, if they determine there would not be a negative impact on adjacent properties, after considering the following factors:
 - (i) Height and configuration of parking structure or manufacturing use.
 - (ii) Relation and impact to other buildings on-site and adjoining properties (present and future).
 - (iii) Natural land features such as slopes and vegetation.
 - (iv) Physical features such as rail lines, canals, and controlled ingress and egress.
 - (v) Location of any public utility easements.
 - (vi) Visibility from vehicular approaches.