



Community Development Department

Tom Dolan
Mayor

Byron Jorgenson
Chief Administrative Officer

Michael G. Coulam
Director

MEMORANDUM

September 27, 2016

To: City Council via Planning Commission
From: Community Development Department
Subject: RM Setbacks– Amend Title 15A, Chapter 20, Residential Development Standards, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-9-16-5134

HEARING NOTICE: This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.

BACKGROUND

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 20, Residential Development Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to reintroduce language in the code that would regulate the side yard setbacks for new residential projects, over one acre in size, within any RM Zoning District.

ANALYSIS

It has recently come to our attention that a portion of the RM development standards, more particularly, one of the provisions regulating what the side yard setback was left out of the Land Development Code when the 2008 Code was adopted.

There are three different scenarios to consider when regulating the sideyard setbacks for new projects within the RM (Residential Multi-family) Zoning District. One is based on the property being under one acre in size and abutting a single family residential district. The second is based on the property being under one acre in size and not abutting a single family residential district. The third (and the one that has been missing) is based on the property being over one acre, but the setback can be evaluated and determined by the Community Development Director, with minimums already established. Staff is recommending that the third option be put back into the Code.

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 and procedures for all new residential projects that are developed under the RM development standards.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: 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 (R.O.S.C. Sec. 15A-01-03(A)).

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards and procedures for all new residential projects that are developed under the RM development standards.
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:



Brian McCuiston
Zoning Administrator

Exhibit "A"

15A-20-08 Residential District RM (Multiple Family)

- C. **Building Setbacks.** Minimum front, rear, and side setback distances shall be required as established below. It shall be within the authority of the Director to determine which lines are considered as front, rear, and side property lines for the purpose administering this Code.
1. **Front Yard.** Any development in an RM District shall have a minimum front setback of 20 feet. A public street right-of-way shall be considered as the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, the area between the front property line and the building lines shall be known as the front setback area in all cases.
 2. **Side Yards.**
 - a. If the side property line of a development does not abut a single family residential district and the development is under one acre in size, all dwellings and other main buildings shall be set back from the side property line a distance of at least 8 feet.
 - b. If the side property line of a development does abut a single family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 15 feet from the side property line.
 - c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum side yard setback shall be determined by the Director. In no case, however, shall the side yard setback be less than 8 feet; if the development abuts a single family residential property the setback shall not be less than 15 feet.
 3. **Rear Yard.**
 - a. If the rear property line of a development does not abut a single family residential district and the development is under one acre in size, all dwellings and main buildings shall be set back from the rear property line a distance of at least 15 feet.
 - b. If the rear property line of a development does abut a single family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 20 feet from the rear property line.
 - c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum rear yard setback shall be determined by the Director. However, in no case shall the rear setback be no less than 20 feet.