

ORDINANCE # 23-21

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE, CHAPTER 19, “SPECIAL DEVELOPMENT (SD) DISTRICTS”, SECTION 20, “SD (CARNATION) – 10600 S. 1000 E.”; 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 19, “Special Development (SD) Districts”, Section 20, “SD (Carnation)-10600 S. 1000 E.” The purpose of the code amendment is to allow drive-up windows in restaurants as a permitted use in the zone. The proposed code changes would effectively remove the limitations on drive-up windows to only non-food uses and allow food uses such as restaurants to also be permitted to have drive-up windows; and

WHEREAS, the Planning Commission held a public hearing on November 2, 2023, 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 13, 2023; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended denial of the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on November 28, 2023 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 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 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 upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of _____, 2023.

Brooke D’Sousa, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2023.

Exhibit “A”

CHAPTER 21-19. – SPECIAL DEVELOPMENT (SD) DISTRICT

Sec. 21-19-20. SD (Carnation)-10600 S. 1000E.

- (a) *Purpose.* The SD(Carnation) Zone is established to provide an area for convenience commercial retail services and professional and business offices with development standards compatible with those of contiguous properties.
- (b) *Uses Allowed.*
- (1) *Permitted and Conditional Uses.* Permitted or Conditional Uses shall follow the use list for the CvC Zone, as listed in Section 21-8-2, with the following exceptions:
- a. All alcoholic beverage related land uses shall be not permitted within this district with the exception of alcoholic beverage off-premises beer retailer licenses.
- b. All automotive-related land uses, including repair, oil change, gasoline dispensing, rental and other service activities, shall be not permitted within this district.
- c. All pharmacy (including ancillary compounding) and medical and health care office uses shall be permitted within this district.
- d. Drive-up window ~~(non food) uses (limited to banks, ATMs, dry cleaners, pharmacy, etc.)~~ shall be permitted within this district.
- (c) *Development Standards.* The following standards shall apply specifically to development in the SD(Carnation) Zone. Where a specific standard is not mentioned, the development requirements of the CvC Zone District shall apply, in addition to general standards provided in Chapter 21-23. Where conflict may be found to exist, the provisions of this zone district shall prevail.
- (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD(Carnation) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32. A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.
- (2) *Building Setbacks.*
- a. *From All Streets.* All buildings shall be set back at least 30 feet from the 10600 South Street right-of-way line. All buildings shall be set back at least 15 feet from the 1000 East realignment right-of-way line.
- b. *Interior Yard.* There shall be at least a ten-foot setback from each interior property line.
- (3) *Landscaping.* The minimum depth of landscaping along the 10600 South street frontage shall be eight feet. The minimum depth of landscaping adjacent to all drive access points for the Dimple Dell Recreation Center Drive access roads shall be ten feet. Landscaping along the 1000 East Realignment shall be at least 15 feet.