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Staff Report Memorandum July 18, 2024

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments to Title 21 of the Land Development Code related to Accessory Structures in the Open Space District CA07032024-0006794

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

The proposed Code Amendment would amend Title 21, *Land Development Code*, Chapter 10, *Open Space Districts*, Section 2, *Permitted Land Uses in the Open Space District*. The code amendment clarifies that accessory structures are permitted for parks and golf courses with conditional use review in the Open Space District. The specific amendments to the Land Development Code are included as Exhibit “A” (red-lined version) and Exhibit “B” (clean version).

Background

Through on-going administration of Sandy’s Land Development Code, staff has identified an ambiguity in the code regarding whether accessory structures are allowed in the Open Space (OS) District. The proposed code amendment is intended to clarify that accessory structures are permitted for parks and golf courses in the OS district.

Case History	
Case Number	Case Summary
N/A	Previously referenced in the 2008 Land Development Code under § 15A-10-02.
Ord. No. 13-13 CODE-4-13-2884	Code amendment to coordinate the land use matrices for Residential, Commercial, Institutional Care, and the Open Space Districts. This Code Amendment also includes eliminating provisions for new Recreational Vehicle Parks, as well as adding or amending definitions that are for specific uses listed in the land use matrices. (6-5-2013)
Ord. No. 13-19 CODE-7-13-3045	Code Amendment is to add “solid waste conversion facility” and “waste transfer station” as new allowed land uses within the Industrial Zone, with associated definitions, including prohibiting the use in the Open Space District. (8-15-2013)

Ord. No. 13-22 CODE-8-13-3112	Code Amendment is to add “Community Center” as a conditional land use within the R-1-7.5(HS), with associated definition, including prohibiting the use in the Open Space District. (10-4-2013)
Ord. No. 17-09 CODE-1-17-5181	Code amendments to adopt new terms and definitions for the alcohol licenses to match those of the Utah Department of Alcohol Beverage Control and also to determine which zoning districts the different licenses would be allowed in, including the Open Space District. (3-9-2017)
Ord. No. 18-21 CODE-06-18-5441	Removed “Residential Lease, Short Term” as a land use in various zoning districts, including the Open Space District (8-30-2018).

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 Code § 10-9a-205.

Analysis

In the Open Space (OS) District, Table of Land Uses ([Sec. 21-10-2\(b\)](#)), the code states that an “*Accessory structure (unless otherwise specified)*” is not permitted. The intent of this language is to restrict accessory structures unless they are associated with and support a primary use, in which case they would be allowed. While it is customary for parks and golf courses to feature accessory structures such as restrooms and maintenance buildings, the current code language can cause confusion whether an accessory structure is permitted for a park or golf course. This ambiguity is based in part on the definitions for a *park* and *outdoor recreation*.

As currently defined, a “Park” is described as a variety of land uses (e.g. playground, golf course, etc.), that are commonly associated with a park, but the code definition does not specifically list structures that are typically accessory to a park (see [Sec. 21-37-17](#))^{1,2}. Consequently, if an accessory structure is proposed for a park, and without any reference to accessory structures in the definition of a park, it is unclear whether an accessory structure is allowed in a park. This is not the intent of the code.

Furthermore, the definition for “Outdoor Recreation” includes a description of various accessory structures commonly used for outdoor recreation activities (e.g. restrooms, maintenance buildings, etc.), with less specificity on the land uses associated with outdoor recreation ([Sec. 21-37-19](#))³. For example, playgrounds and golf courses are *not* specified in the definition for outdoor recreation. While both land uses can reasonably be considered a type of outdoor recreation, it calls into question whether an accessory structure is allowed with a playground or golf course.

Therefore, to eliminate any doubt and to provide clarity, staff is proposing to amend the code by adding an explanatory note for “accessory structures” in the OS zone that states: “*Accessory structures are permitted for parks and golf courses subject to the conditional use process.*” A park and outdoor recreation require a conditional use permit in the OS zone; therefore, a structure associated with the use must be reviewed under the conditional use process. This makes clear that a park can have a restroom, a golf course can have a maintenance building, and other accessory structures commonly associated with parks and golf courses may be allowed in the OS zoning district.

¹ **Park, private**, means a park, playground, swimming pool, **golf course** or athletic field, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of a private entity not associated with any unit of a government.

² **Park, public**, means a park, playground, swimming pool, **golf course** or athletic field, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of the State, a State agency, the County, or Sandy City.

³ **Recreation, outdoor**, means an area free of buildings except for **restrooms**, dressing rooms, equipment storage, **maintenance buildings**, and open air pavilions, and used primarily for recreation activities not involving motor vehicles, animals, or overnight use. This definition shall include semi-private swimming pools.

No n-C o n f o r m i n g U s e s

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

L a n d D e v e l o p m e n t C o d e P u r p o s e C o m p l i a n c e

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.

G e n e r a l P l a n C o m p l i a n c e

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.

R e c o m m e n d a t i o n

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, related to Accessory Structures in the Open Space District as shown in Exhibit "A", based on the following findings:

F i n d i n g s:

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\CA07032024-0006794 - CODE AMEND ACC. STRUCTURE IN OS ZONE\STAFF REPORT\STAFF REPORT - ACC STRUCTURE IN OS CODE AMEND.FINAL

CHAPTER 21-10. OPEN SPACE DISTRICT

Sec. 21-10-2. Permitted Land Uses in the Open Space District.

(a) *Matrix Explanation.* The following matrix lists all permitted uses within the Open Space District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

Uses in Open Space District

Accessory apartments	N
Accessory structure (unless otherwise specified)	N ²
Agriculture	P

...

(c) *Explanatory Notes.*

1. Permitted as a conditional use only within golf course grounds and facilities. Not permitted in other facilities or uses in the Open Space District.
2. Accessory structures are permitted for parks and golf courses subject to the conditional use process.

(LDC 2008, § 15A-10-02; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 17-09, 3-9-2017; Ord. No. 18-21, § 1(15A-10-02), 8-30-2018)

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