

ORDINANCE #17-26

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY REPEALING CHAPTER 19, SECTION 15, "SD(THE GARDENS) ZONE"; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, by repealing Chapter 19, Section 15, "SD(The Gardens) Zone" based on the findings that there is no property zoned SD(The Gardens) in the City and that the SD(The Gardens) Zone will not likely be relevant in the future to other properties in the City; and

WHEREAS, *the Planning Commission held a public hearing on September 21, 2017 which meeting was preceded by notice by publication in the Salt Lake Tribune on September 9, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on September 5, 2017; 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 October 3, 2017 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on September 9, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on September 5, 2017; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. (2012) to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts 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 general 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 reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing 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. where by 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 15A 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 judgment shall not affect, impair or invalidate the remainder of this ordinance 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 _____, 2017.

Chris McCandless, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2017.

Exhibit "A"
(15A-19-15 SD(The Gardens))

Repealed.

- A. ~~**Purpose** The Special Development District Professional Office "The Gardens" (SD(The Gardens)) zone is established to provide an area for a reception center, professional and business offices, non-retail services (except as they may relate to weddings or similar reception activities), and other similar uses. Developments adjacent to residential or open space areas shall have a residential look to enhance compatibility with the natural environment. Developments adjacent to commercial zones shall act to buffer less dense residential development or open space districts.~~
- B. ~~**Uses Allowed.** For those land uses not listed, the use shall not be permitted.~~
1. ~~Permitted Uses.~~
 - a. ~~Ancillary Commercial as part of a mixed use building~~
 - b. ~~Bed and Breakfast Facility~~
 - c. ~~Social or Reception Center~~
 2. ~~Conditional Uses.~~
 - a. ~~Ancillary Commercial as a stand alone use~~
 - b. ~~Bed and Breakfast Inn (motel)~~
 - c. ~~Business and Financial Services~~
 - d. ~~Day Care, Group~~
 - e. ~~Medical and Health Care Offices~~
 - f. ~~Public Services~~
 - g. ~~Public Utility Station~~
 - h. ~~Recreation Center~~
 - i. ~~Recreation, Outdoor~~
 - j. ~~Religious or Cultural Activity~~
 - k. ~~Restaurant~~
 - l. ~~School, Private or Quasi Public~~
- C. ~~**Development Standards** The following standards are to be considered as applying specifically to development in the SD(The Gardens) zone in addition to general standards provided in the Commercial/Industrial Development Standards Chapter.~~
1. ~~Planning Commission Review. Review of all site plans in the SD(The Gardens) Zone is required by the Planning Commission according to the standards outlines in the Site Plan Review Chapter.~~
 2. ~~Building Setbacks.~~
 - a. ~~Front Yard. All buildings shall be setback at least 30 feet from all front property lines.~~

~~b. Side Yard.~~

- ~~(1) Uses may be developed conjointly at the side yards with shared party walls.~~
- ~~(2) If buildings are not joined, there shall be at least a 10 foot setback from each side.~~
- ~~(3) Where non residential districts abut residential uses or districts (excepting recognizable holding zones for future commercial development), non residential buildings shall be set back at least 30 feet from the property line and the side yard shall be developed and landscaped as described in the Commercial/Industrial Development Standards Chapter.~~

~~e. Rear Yard.~~

- ~~(1) There shall be at least a 30 foot rear setback.~~
- ~~(2) Where buildings or uses abut a residential district (excepting recognizable holding zones for future commercial development), buildings shall be set back at least 30 feet from the rear property line and the rear yard shall be developed and landscaped as described in the Commercial/Industrial Development Standards Chapter.~~

~~3. Building Height. At the minimum setback line, building height shall not exceed twenty [20] feet, as measured from average grade to mid point of the roof. Upon special approval of the Planning Commission, actual building height may exceed the height limitation if required building setbacks (front, side, and rear) are increased by a ratio of one [1] foot of height for every two [2] feet of additional setback. The height may be increased up to a maximum of forty five [45] feet at the mid point of the roof line. If special approval is requested, the Planning Commission shall require compliance with all five [5] of the following items during their review:~~

- ~~a. Open Space. The increase in height creates additional usable open space that would otherwise not be available if additional height is not granted.~~
- ~~b. Landscaping. Additional landscape elements (either hardscape or greenscape) soften the appearance of the building and provide additional buffer areas adjacent to a residential district.~~
- ~~c. Aesthetics. The proposed building design and architecture are distinctive, unique and compatible with the immediate surroundings (both man made and natural).~~
- ~~d. Impact on Residential Areas. The proposed building height provides for a lessened impact on adjacent residential districts (i.e., varied building setback, unique roof line, residential appearance, etc).~~

- e. ~~Gathering Place/Plaza. The increased height creates a unique people place that will create local interest. Such places might include a fountain, a pedestrian plaza, picnic area, usable landscaping, etc.~~
4. ~~Ancillary Retail Commercial Uses at the following ratio:~~
- a. ~~No more than 50% of a Mixed use building.~~
 - b. ~~No more than 10% of a primary use for a stand alone project.~~
5. ~~Residential Compatibility. Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood. This is especially true in this area, due to the proximity of Dimple Dell Park to the property. All new buildings shall be constructed with an "old world" look, utilizing materials such as brick, stone and limited stucco. The color of the stucco shall be of muted earth tones, compatible with the natural surrounding environment. Clear or colored glass shall not comprise more than seventy five percent [75%] of any one wall.~~
- ~~The roofing material shall be of an "old world" architectural design and appearance, and shall utilize a combination of tiles and asphalt shingles with a heavy shingle appearance. NO WOOD SHINGLES OR OTHER COMBUSTIBLE MATERIAL IS PERMITTED AS A ROOFING MATERIAL. The minimum slope of visible roof sections as seen from ground elevation within twenty five feet [25'] of the facility shall be in excess of 6:12 slope. Flat roofs, or slightly sloped roofs may be incorporated into the design if they are behind the sloping tile/shingle roof facade.~~
6. ~~Landscaping. The landscaping of this area must be a combination of the naturally surrounding vegetation and traditional landscape plants and hardscape materials that will enhance the ambiance of the development. All areas within ten feet [10'] of the Dimple Dell Regional Park boundary shall retain where possible all existing healthy trees. Other similar native species may be planted within this buffer area to enhance the natural barrier between the Regional Park and all development which may occur on this property.~~
7. ~~Fencing. A non opaque fence up to seven feet [7] in height may be installed between the development and the Dimple Dell Regional Park.~~