



Community Development Department

Tom Dolan
Mayor

Byron Jorgenson
Chief Administrative Officer

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Director

MEMORANDUM

January 24, 2017

To: City Council via Planning Commission
From: Community Development Department
Subject: Alcohol Updates– Amend Title 15A, Chapters 7, 8, 9, 10, 19, 23, and 37, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-1-17-5181

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, Chapters 7, 8, 9, 10, 19, 23, and 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider adopting new terms and definitions for our 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.

ANALYSIS

In November 2016, the Sandy City Council adopted a revised Title 5, Chapter 2, Alcohol Regulations of the Sandy City Code. This included a major re-write of our business license regulations for all the different types of alcohol licenses so that our licenses match those of the Utah Department of Alcohol Beverage Control (UDABC), along with a number of other pertinent changes. Therefore, Staff is proposing modifications so the Land Development Code will be coordinated with the Business License regulations.

Below is a summary of the proposed changes:

1. Residential Zones - Replace the old category of Alcoholic Beverage Licenses with the new ones, as now adopted, which match those of the UDABC. The former Class E Licenses (Temporary and Single Event Permits) were approved by Staff, but are proposed to be permitted **only** when associated with a church that is conducting a civic or community enterprise or convention. One of the few temporary event permits approved in the past have been for churches having a fund raiser.

2. Commercial Zones - Replace the old category of Alcoholic Beverage Licenses with the new ones, as now adopted, which match those of the UDABC. Some of the new licenses would be permitted, with an explanatory note attached to the approval. It was recommended by Steve Barth, a Sandy City lobbyist, to include some additional requirements for new structures that will be occupied by restaurants and/or clubs. Other licenses would only be allowed within the Cairns District and the Automall Commercial Areas. Also, we are prohibiting alcohol licenses from any restaurant that has a drive-thru window.
3. Institutional Care (IC) District - Replace the old category of Alcoholic Beverage Licenses with the new ones, as now adopted, which match those of the UDABC. Proposing to eliminate Single and Temporary Beer Events in this zone completely.
4. Open Space (OS) District - Replace the old category of Alcoholic Beverage Licenses with the new ones, as now adopted, which match those of the UDABC. Proposing to allow an Equity Club, On-Premise Banquet and Catering License, On-Premise Recreational Beer Retailer, Single and Temporary Beer Event Permits *only* within golf course grounds and facilities. These would not be permitted in other facilities or uses in the OS District. The Hidden Valley Country Club currently has a Club License, and the River Oaks Golf Course has a Recreational Beer Consumption License.
5. Special Development (SD) Zones - Replace the old category of Alcoholic Beverage Licenses with the new ones, as now adopted, which match those of the UDABC. We have tried to match what has been allowed in these zones with the new types of licenses. Proposing to eliminate Single and Temporary Beer Events in a number of these SD Residential zones completely.
6. Definitions - Add new definitions that match those of the UDABC and modify two definitions that will remain (Package Agency and State Liquor Store).

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 fulfill the purpose of having efficient and effectively managed procedures. By coordinating our alcohol beverage terms with the UDABC the City will have regulations that are easier to understand and will make the approval process more efficient for the business owners that apply for alcohol license. These amendments will also create consistency and equitable standards and procedures for new restaurants that provide alcohol to their patrons within Sandy City.

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 having efficient

and effectively managed procedures. By coordinating our alcohol beverage terms with the UDABC the City will have regulations that are easier to understand and will make the approval process more efficient for the business owners that apply for alcohol license. These amendments will also create consistency and equitable standards and procedures for new restaurants that provide alcohol to their patrons within Sandy City.

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:



Brian McCuiston
Zoning Administrator

Reviewed by:

