

ORDINANCE # 25-25

AN ORDINANCE AMENDING THE SANDY CITY MUNICIPAL CODE TITLE 21, "LAND DEVELOPMENT CODE", CHAPTER 3 "OFFICERS, BOARD AND COMMISSIONS", CHAPTER 30 "SUBDIVISION REVIEW", AND CHAPTER 37 "DEFINITIONS"

WHEREAS, it is necessary to amend the Sandy City Municipal Code Title 21, "Land Development Code", Chapter 3 "Officers, Board and Commissions", Chapter 30 "Subdivision Review", and Chapter 37 "Definitions";

WHEREAS, the proposed amendments will bring the Sandy Land Development Code in line with new legislative changes to the Utah Code related to boundary adjustments;

WHEREAS, the Planning Commission held a public hearing on October 16, 2025, which meeting was preceded by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on October 3, 2025;

WHEREAS, the City Council of Sandy City, Utah met on October 28, 2025 and November 11, 2025, and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is hereby amended as set forth in **Exhibit "A"** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

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 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 of 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 up on publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2025.

Brooke D'Sousa, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this ____ day of _____, 2025.

APPROVED this ____ day of _____, 2025.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2025.

CHAPTER 21-3. OFFICERS, BOARDS AND COMMISSIONS

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Sec. 21-3-3. Land Use Authorities.

(a) *Planning Commission.*

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(4) *Powers and Duties.*

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c. *Reviews and Decisions.* The Planning Commission shall review and decide the following:

1. Conditional use permits.
2. Expansion or alteration of a nonconforming structure or use after determination by the Director.
3. Site plans delegated to it in this title or by the Director.
4. Special exceptions delegated to it in this title or by the Director.
5. ~~Reasonable accommodation.~~
6. —Other matters as established by the City Council.

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(b) *Administrative Officer.* The Director is hereby designated to review and decide the following:

- (1) Special exceptions as specifically set forth in this title, including those in the land use matrices.
- (2) Applications for site plan review and approval as delegated in this title.
- (3) Determination of the nonconforming status of a building, structure, or use.
- (4) Approval of a building permit for a nonconforming structure addition or alteration as allowed within this title.
- (5) Routine and uncontested matters as delegated in this title.
- (6) ~~Property Line Adjustments.~~ Boundary adjustments and vacating or amending a subdivision plat, as set forth in this Title.
- (7) Other matters as established by the City Council.

(LDC 2008, § 15A-03-03; Ord. No. 09-02, 1-26-2009; Ord. No. 10-41, 12-14-2010; Ord. No. 13-15, 6-11-2013; Ord. No. 17-10, exh. A(15A-03-03), 3-9-2017)

State law reference(s)—Planning commissions, U.C.A. 1953, § 10-9a-301 et seq.

CHAPTER 21-30. SUBDIVISION REVIEW¹

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Sec. 21-30-1. Purpose.

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- (b) This Chapter sets forth the processes for obtaining preliminary and final subdivision development approval, as well as vacating or amending a subdivision plat, vacating a public street, right-of-way or easement, property line boundary adjustments, and subdivision improvements.

(Ord. No. 24-01, § 1(Exh. A), 1-9-2024)

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Sec. 21-30-7. Vacating or amending a subdivision plat; process.

- (a) *Applicability.* As set forth in Utah Code, any fee owner of land within a previously platted subdivision may apply to have some or all of the subdivision plat vacated or amended, which includes full boundary adjustments. If no new lots are created, the land use authority, application and review requirements are as set forth in this Section.
- (b) *Land Use Authority Designation; Public Meetings; Notice.*
 - (1) *Director.* The Director is hereby designated to consider and determine those proposed subdivision plat vacations or amendments which are requested by petition of a fee owner of land within the subdivision, except those determined by the Planning Commission, as set forth in Subsection (b)(2) of this Section.
 - (2) *Planning Commission.* The Planning Commission is hereby designated to consider and determine any proposed vacation or amendment of a subdivision plat for which a public hearing is required. A public hearing is required for all any of the following:
 - a. Any owner within the plat objects in writing to the petition within ten days of mailed notification;
 - b. All the owners have not consented to the petition; and/or
 - c. The City proposes to vacate or amend a subdivision plat.
 - (3) *Public Meetings and Notice.* A public meeting or hearing shall be held, and notice provided as required by this Title and Utah Code. No neighborhood meeting is required.

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¹Editor's note(s)—Ord. No. 24-01, § 1(Exh. A), adopted Feb. 27, 2024, amended Ch. 21-30 in its entirety, in effect repealing and reenacting said Ch. 21-30 to read as set out herein. The former Ch. 21-30, §§ 21-30-1—21-30-14, pertained to similar subject matter and derived from LDC 2008, § 15A-30-01—15A-30-13; Ord. No. 09-13, adopted May 15, 2009; Ord. No. 10-01, adopted Jan. 26, 2010; Ord. No. 12-03, adopted Jan. 27, 2012; Ord. No. 14-29, adopted Sept. 28, 2014; Ord. No. 15-22, adopted July 15, 2015; Ord. No. 21-08, § 1(Exh. A), adopted March 23, 2021.

State law reference(s)—Subdivisions, U.C.A. 1953, § 10-9a-601 et seq.

Sec. 21-30-9. ~~Property line~~Boundary adjustments.

- (a) ~~Boundary Adjustment.~~ Adjoining property owners may enter into an agreement for a boundary adjustment to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels if the boundary adjustment does not create an additional lot or parcel.
- (b) ~~Simple boundary adjustment.~~ Owners may apply for a simple boundary adjustment if it does not:
- (1) affect a public right-of-way, municipal utility easement, or other public property;
 - (2) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
 - (3) results in a lot or parcel that is in violation of the City Code.
- (c) ~~Full boundary adjustment.~~ If an application for a boundary adjustment does not meet the requirements for a simple boundary adjustment, a full boundary adjustment is required and subject to the standards and procedures set forth under Section 21-30-7, Vacating or Amending a Subdivision Plat.
- (ad) ~~Standards for Simple Boundary Adjustments.~~ Owners may adjust property lines between adjacent legal parcels that are described by a metes and bounds description, by exchanging title to portions of those parcels after City approval if: An application that qualifies for simple boundary adjustment under subsection (b) of this Section may be approved by the City if all the following standards are met:
- (1) No new lot or parcel results from the property lineboundary adjustment.
 - (2) The adjoining property owners consent to the property lineboundary adjustment.
 - (3) The property lineboundary adjustment does not result in new, additional or increased square footage of remnant land that did not previously exist.
 - (4) The property lineboundary adjustment does not result in violation of the City Code.
 - (5) The property lineboundary adjustment does not result in an increase of a nonconforming situation.
 - (6) The application meets all application requirements of subsection (e) of this Section.
- ~~(b) Adjustments to lots within a recorded subdivision plat shall follow Section 21-30-7, Vacating or Amending a Subdivision Plat.~~
- (ee) ~~Application Requirements.~~ The owners shall file an application requesting a ~~property line simple boundary~~ adjustment together with all required conveyance documents, in electronic PDF format scaled to a print size of eight and one-half inches by 11 inches, as follows:
- (1) ~~Legal Descriptions.~~ Property legal descriptions as follows:
 - a. A legal description for each of the properties that will be affected by the proposed changes, as they currently exist on record with the Salt Lake County Recorder's Office, including the square footage, and the Salt Lake County parcel number of each property.
 - b. A legal description for each of the properties that will be affected by the proposed change, in their final proposed configuration(s), including the revised square footage.
 - c. Each legal description shall be prepared, stamped certified, and signed by a professional land surveyor that is currently licensed in the State of Utah.
 - (2) ~~Property transfer deed(s).~~ A draft of all deeds that will be used to transfer the fee title ownership of the subject properties. They shall include a specific notation as to the purpose of this deed relating to a property lineboundary adjustment.
 - (3) ~~Notice of Approval.~~ An approval form, as provided by the City, that declares approval of the ~~property line simple boundary~~ adjustment and an acknowledgement of approval by the City.

EXHIBIT "A"

- a. Is executed by each owner included in the boundary adjustment;
 - b. Is executed by the Director;
 - c. Contains an acknowledgment for each party executing the notice as required by state law for real property; and
 - d. Recites the description of both the original parcels and the parcels created by the property lineboundary adjustment.
- (4) *Map Exhibit.* A visual depiction reflecting the proposed parcel configuration upon completion of the adjustment. It shall contain a north arrow, standard engineer's scale, bearings and distances, curve tables, location of existing structures, easements, setback lines or other information as requested by the City.
- ~~(d) *Public Meetings and Notice.* A public meeting shall be held, and notice provided as required by this Title and Utah Code. No neighborhood meeting is required.~~
- (ef) *Director Review.* The Director shall act as the land use authority and review all the documents to determine if they are complete, and that they comply with the requirements set forth above. If the Director determines that documents are complete and the requested property lineboundary adjustment complies with the standards set forth above, the Director will approve the property line simple boundary adjustment.
- (fg) *Recordation.* After approval by the Director, the applicant shall:
- (1) Record the Notice of Approval and approved property transfer deeds that convey title with the Salt Lake County Recorder's Office.
 - (2) Provide digital copies of all recorded documents to the City ~~and provide a limited title report or informational report (provided by a title company) of property that was altered, showing that the property was properly transferred and configured as approved by the City.~~
- (gh) *Expiration of Property Line Simple Boundary Adjustment Approval.* The property line simple boundary adjustment notice of approval shall expire and be void one year after issuance by the Director unless it has been recorded with the Salt Lake County Recorder's Office. The Director may grant two six-month extensions of the property line simple boundary adjustment notice of approval, provided it still complies with all applicable ordinances.

(Ord. No. 24-01, § 1(Exh. A), 1-9-2024; Ord. No. 24-06, § 1(Exh. A), 4-16-2024)

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CHAPTER 21-37. DEFINITIONS

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Sec. 21-37-3. "B" Definitions.

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(16) Boundary adjustment means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels. A boundary adjustment does not include a modification of a lot or parcel boundary that creates an additional lot or parcel or that is made by the Department of Transportation.

(17) Boundary Adjustment, Full means a means a boundary adjustment that: (a) affects a public right-of-way, municipal utility easement, or other public property; (b) affects an existing easement, onsite wastewater system, or an internal lot restriction; or (c) results in a lot or parcel out of conformity with land use regulations.

(18) Boundary Adjustment, Simple means a boundary adjustment that does not: (a) affect a public right-of-way, municipal utility easement, or other public property; (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or (c) result in a lot or parcel out of conformity with land use regulations.

~~(1619)~~ *Botanical gardens* means a public or private facility for the demonstration and observations of the cultivation of flowers, fruits, vegetables, or ornamental plants.

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Sec. 21-37-17. - "P" Definitions.

(1) Parcel means any real property that is not a lot.

~~(12)~~ *Park and ride facilities* means ...

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Sec. 21-37-13. "L" Definitions.

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~~(8) Lot means a legal parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, frontage, lot width, and lot area as are required by ordinance tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.~~

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Sec. 21-37-20. "S" Definitions.

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~~(121) Subdivision means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. The term "subdivision" includes:~~

EXHIBIT "A"

- a. ~~The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and~~
- b. ~~Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.~~

Subdivision means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(a) The term "subdivision" includes:

- (1) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- (2) except as provided in Subsection (76)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(b) The term "subdivision" does not include:

- (1) a recorded conveyance document:
 - a. consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or
 - b. joining a lot to a parcel;
- (2) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - a. is in anticipation of future land use approvals on the parcel or parcels;
 - b. does not confer any land use approvals; and
 - c. has not been approved by the land use authority;
- (3) a boundary adjustment;
- (4) a boundary establishment;
- (5) a road, street, or highway dedication plat;
- (6) a deed or easement for a road, street, or highway purpose; or
- (7) any other division of land authorized by law.

(122) Subdivision amendment means:

(a) an amendment to a recorded subdivision that:

- (1) vacates all or a portion of the subdivision;
- (2) increases the number of lots within the subdivision;
- (3) alters a public right-of-way, a public easement, or public infrastructure within the subdivision;
or
- (4) alters a common area or other common amenity within the subdivision.

(b) The term "subdivision amendment" does not include a simple boundary adjustment.

(123) Subgrade means either the soil prepared and compacted to support a structure or a pavement system, or the elevation of the bottom of the trench in which a sewer or pipeline is laid.

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