

ORDINANCE #16-36

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY AMENDING CHAPTER 20, "RESIDENTIAL DEVELOPMENT STANDARDS" TO REINTRODUCE LANGUAGE IN THE CODE THAT WOULD REGULATE THE SIDE YARD SETBACKS FOR NEW RESIDENTIAL PROJECTS, OVER ONE ACRE IN SIZE, WITHIN ANY RM ZONING DISTRICT; 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 amending Chapter 20, "Residential Development Standards" to reintroduce language in the code that would regulate the side yard setbacks for new residential projects, over one acre in size, within any RM Zoning District; and

WHEREAS, the Planning Commission held a public hearing on October 6, 2016 which meeting was preceded by notice by publication in the Salt Lake Tribune on September 22, 2016, 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 16, 2016; 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 11, 2016 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on September 22, 2016, 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 16, 2016; 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 11th day of October, 2016.



Stephen P. Smith, Chairman
Sandy City Council


ATTEST:



Molly Spira
City Recorder

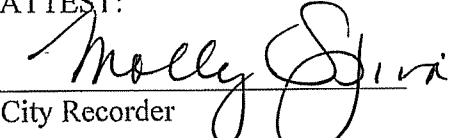
PRESENTED to the Mayor of Sandy City for his approval this 13th day of October, 2016.

APPROVED this 13th day of October, 2016.



Thomas M. Dolan, Mayor

ATTEST:



Molly Spira
City Recorder

PUBLISHED this 20th day of October, 2016.

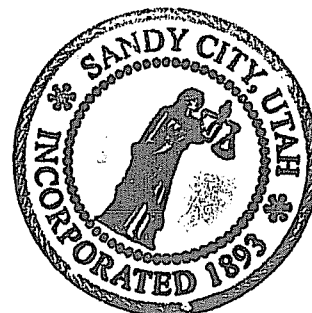


Exhibit "A"

15A-20-08 Residential District RM (Multiple Family)

C. **Building Setbacks.** Minimum front, rear, and side setback distances shall be required as established below. It shall be within the authority of the Director to determine which lines are considered as front, rear, and side property lines for the purpose administering this Code.

1. **Front Yard.** Any development in an RM District shall have a minimum front setback of 20 feet. A public street right-of-way shall be considered as the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, the area between the front property line and the building lines shall be known as the front setback area in all cases.

2. **Side Yards.**

a. If the side property line of a development does not abut a single family residential district and the development is under one acre in size, all dwellings and other main buildings shall be set back from the side property line a distance of at least 8 feet.

b. If the side property line of a development does abut a single family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 15 feet from the side property line.

c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum side yard setback shall be determined by the Director. In no case, however, shall the side yard setback be less than 8 feet; if the development abuts a single family residential property the setback shall not be less than 15 feet.

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3. **Rear Yard.**

a. If the rear property line of a development does not abut a single family residential district and the development is under one acre in size, all dwellings and main buildings shall be set back from the rear property line a distance of at least 15 feet.

b. If the rear property line of a development does abut a single family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 20 feet from the rear property line.

c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum rear yard setback shall be determined by the Director. However, in no case shall the rear setback be no less than 20 feet.