



# Community Development Department

Kurt Bradburn  
Mayor

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Chief Administrative Officer

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Director

## MEMORANDUM

May 3, 2018

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**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Automall District Dealer Area Setbacks - CODE-04-18-5391  
Amend Title 15A, Chapter 23, Commercial, Office, Industrial  
& Transit Corridor Development Standards, Land  
Development Code, Revised Ordinances of Sandy City, 2008

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**HEARING NOTICE:** *This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.*

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### BACKGROUND

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 23, Commercial, Office, Industrial & Transit Corridor Development Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider amending the setbacks for parking structures within the Automall District (Dealer Area).

### ZONING HISTORY

The City Council adopted Ordinance #90-37 on July 31, 1990 which created a new Automall Zone with associated development standards. With the original zone, the front setback for the dealership building was established to be 85 feet from the property line. During the re-write of the Sandy City Land Development Code in 2008, the front setback in the Automall District Dealer Area was changed from 85 to 94 feet.

The minimum 94 foot building setback in this code was intended for the dealership building, to allow sufficient surface parking between the street and the dealership building to display the inventory. Parking terraces/structures were not really contemplated in the building requirement of the zone.

**ANALYSIS**

The Sandy City Community Development Department has received an application for a new parking structure to be built on the Mark Miller Subaru Dealership property (10920 South State Street). This proposed parking structure would be used for inventory vehicle display. The proposed structure is closer than 94' from the north property line along Motor Park Avenue. Representatives from Mark Miller Subaru have described the project to staff and we are in support of the proposed improvement. However, in order to approve this type of project, the building setbacks for the Automall Zoning District would need to be amended.

Over the last few years, a few dealerships have moved out of the Southtowne Automall to adjacent cities on larger tracts of land in order to have more inventory on-site. City staff is supportive of allowing the existing dealerships to make improvements to their properties in order to expand their inventory and remain in the Southtowne Automall area.

This proposed code amendment would allow the Planning Commission to reduce the setbacks for parking structures that could enable a larger on-site inventory, after consideration of the following factors:

- (1) Height and configuration of the structure.
- (2) Relationship and impact to other buildings on site and on adjoining properties.
- (3) Location of any public utility easements.
- (4) Visibility from vehicular approaches.

**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 create establish a system of fair, comprehensive, consistent and equitable standards and procedures for review and approval of any upgrades to existing dealerships within Southtowne Automall.

**GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

**OTHER**

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 RECOMMENDATIONS**

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 establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which all proposed upgrades will be reviewed and evaluated within the Southtowne Automall.
- 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:

Reviewed by:



Brian McCuiston  
Planning Director

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Exhibit "A"

15A-23-03 General Commercial and Industrial Development Standards

D. **General Building Locations and Setbacks.** In addition to the specific building setback requirements listed in each individual district, the following general standards shall apply:

1. No building shall be closer than 6 feet from any private road, driveway, or parking spaces in order to allow areas adjacent to the building for foundation landscaping and buffering of pedestrian walkways. Exceptions may be made for any portion of the building that contains a drive-up window or where the Planning Commission may approve a zero foot setback.
2. Except as specified in the Storefront Conservation Floating Zone, the public right-of-way boundary shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public right-of-way boundary, all such sides shall be considered as front property lines.
3. In all cases, the area between the front property line and the building shall be known as the front yard.
4. **Table of Minimum Building Setbacks.** (All measurements are in feet and all front setbacks are measured from the top back of curb.) (Ord 14-29, Amended 9-4-2014)

<i>District</i>	Front Standard Setback <sup>†</sup>	Side, Shared Party Walls Allowed	Side, No Shared Walls	Side, Abut Residential <sup>**</sup>	Rear Standard	Rear Abut Residential District <sup>**</sup>
Automall District (Dealer Area)	94 <sup>§</sup>	Y	15 <sup>§</sup>	-	0 <sup>§</sup>	-
Automall District (Commercial Area)	25	N	10 <sup>§</sup>	-	10 <sup>§</sup>	-
<p>* Except as modified by the Storefront Conservation Floating Zone, a minimum of 15 feet from the back of sidewalk shall be maintained for all buildings regardless of the minimum setback shown in the table except where a 0 foot setback is allowed and used. (Ord 14-24, Amended 8-26-14)</p> <p>** Exception: For commercial developments with a dedicated open space (canal, trail, etc.), between the proposed development and an adjacent residential district, the setback can be reduced to a minimum of 10 feet from the commercial developments property line rather than the typical 30 feet.</p>						

Notes:

1. **CN(HSN) District Front Yard.** All buildings shall be setback between 0-25 feet from the front property line unless otherwise noted below or approved by the Planning Commission during site plan review.



- a. Where a structure is proposed to be constructed on a site adjacent to existing structures that have been built on or near the front property line, the proposed new structure shall follow that precedent.
- b. Where new construction is proposed for a vacant corner lot on a block with no setback from the street, the proposed new construction shall again follow that model.

**Side Yard.** Where the side yard abuts another commercial district property, a building shall extend to the property line or be no closer than 10 feet from the side property line and be developed as specified elsewhere in this Code.

**Rear Yard.** Where the rear yard abuts another commercially zoned property, a building shall extend to the property line or be located no closer than 20 feet from the rear property line.

2. **BC District** - When the development abuts a residential district, the rear setback shall be a minimum of 30 feet.
3. **HBD District** – Where a structure is proposed to be constructed on a site adjacent to existing structures that have been built on or near the front property line, the proposed new structure shall follow that precedent. Where new construction is proposed for a vacant corner lot on a block with no setback from the street, the proposed new construction shall again follow that model. Where a structure is proposed to be constructed on a block where there is no zero lot line precedent and where the existing pattern of development shows front and side yard setbacks, the proposed project shall conform to a zero lot line pattern where possible.
4. **CR-PUD District** – Rear Yard. None except where visible from right-of-way or Interstate 15. Where a rear yard is visible from the right-of-way or Interstate 15, the rear yard setback shall be 20 feet.

5. **AM District – Dealership Area.**

Front, Side and Rear Setback for Parking Structures. The setback for parking structures that are used for vehicle inventory/display may be reduced by the Planning Commission after considering the following factors:

1. Height and configuration of the structure.
2. Relationship and impact to other buildings on site and on adjoining properties.
3. Location of any public utility easements.
4. Visibility from vehicular approaches.

**Rear Setback.** Minimum 10 foot rear yard setback when adjacent to commercial area. Minimum 50 foot rear yard setback when adjacent to Interstate 15.

**AM District – Commercial Area.** Side and rear setbacks may be reduced to 5 feet if developed in conjunction with adjoining lot development. Rear setback may be reduced to zero feet if totally screened from view.

6. **CBD Districts**

- a. **CBD and CBD-O.** Building and parking setbacks along Interstate 15 shall be minimum of 50 feet or an average of 50 feet with no point closer than 40 feet. For new developments in the CBD Zoning District, over 10 acres in size, the Planning Commission may be allowed to modify the setbacks after considering the following factors:

1. Overall master plan layout of the project.
2. Relationship and impact to other buildings on site and adjoining properties (present and future)
3. Physical features such as rail lines, canals, and controlled ingress and egress.
4. Location of any public utility easements. (Ord 14-37, Amended 11-24-2014)

**Side and Rear Yard for CBD.** The Planning Commission may approve, during site plan review, a zero side and/or rear yard setback for parking structures that are placed underneath or behind the

main building or for manufacturing uses, if they determine there would not be a negative impact on adjacent properties, after considering the following factors:

- (1) Height and configuration of parking structure or manufacturing use.
- (2) Relation and impact to other buildings on site and adjoining properties (present and future).
- (3) Natural land features such as slopes and vegetation.
- (4) Physical features such as rail lines, canal, and controlled ingress and egress.
- (5) Location of any public utility easements.
- (6) Visibility from vehicular approaches. (Ord 14-24, Amended 8-26-14)

**b. CBD-P**

**Front Setback.** In order to encourage a “Main Street” effect along the Parkway, buildings shall maintain a zero lot line from setback from the approved sidewalk and streetscape profile of Centennial Parkway and Segó Lily Drive (10000 South). Buildings that originate within the CBD-P District with a zero lot line front setback may continue that setback for the length of the building into the CBD District. This reduced setback does not apply to other non-contiguous structures within the development. Front setback variations may be used when an activity related to pedestrian use is maintained, e.g., outside seating for restaurants, urban streetscapes.

**Side and Rear Setbacks.** Zero lot line side setbacks with attached structures in compliance with the International Building Code are required except for pedestrian access and usable open space areas. Rear setbacks shall be of sufficient depth to allow required and landscaped areas to the rear of the buildings.

**c. CBD-A&C**

**Front Setbacks.** Front setbacks of buildings shall maintain a zero foot setback from the approved sidewalk and streetscape profile. Variations shall be required for building articulation and when an activity is related to pedestrian use, e.g., outside seating for restaurant, pedestrian walking areas, residential courtyards, etc. A maximum setback of 10’ is allowed for residential courtyards. (Ord 14-35, Amended 11-13-2014)

**Side and Rear Setbacks.** Zero foot setback may be approved by the Planning Commission for all other lot lines.

**7. RD District**

- a. **Front Yard.** All buildings shall be set back at least 25 feet from all public streets. Unless otherwise approved by the Planning Commission, with a recommendation from the City Transportation Engineer, based upon future transportation needs for the City, there shall be no parking between the building and a public street. Said area shall be landscaped or developed into a pedestrian plaza, e.g. fountain, seating, landscape planters, etc. (Ord 12-15, Amended 5-15-2012, Ord 14-24, Amended 9-4-2014)
- b. **Rear Yard.** Unless non-residential uses are developed conjointly, buildings shall be set back at least 20 feet from rear property lines.