

ORDINANCE # 24-12

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE, CHAPTER 37, “DEFINITIONS”, SECTION 20, ““S” DEFINITIONS”; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 37, “Definitions”, Section 20, ““S” Definitions”. The purpose of the code amendment is to ensure the rear setback standards for uncovered landings and walkout porches, and window wells are consistent with Utah Code; and

WHEREAS, the Planning Commission held a public hearing on May 16, 2024, which meeting was preceded by notice posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on April 29, 2024; and

WHEREAS, following the public hearing before the Planning Commission, the Commission made a recommendation to the City Council regarding the amendment; and

WHEREAS, a public meeting was held by the Sandy City Council on June 18, 2024 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations 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 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 reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing 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 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. whereby 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 21 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 ordinances 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 _____, 2024.

Ryan Mecham, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2024.

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

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- (21) *Setback*. The setback for all structures is the shortest distance between the property line and the building or any portion thereof excluding the following:
- a. Window awnings and unenclosed front entry and steps not protruding more than five feet into the setback area.
 - b. Uncovered patios.
 - c. Decks and balconies not greater than two feet in height from grade, and not less than four feet from the rear property line and eight feet from the side property line.
 - d. Decks and balconies not greater than eight feet above grade and not less than ten feet from the rear lot line.
 - e. Chimney and roof overhangs protruding no greater than two feet into the setback area.
 - f. Uncovered above-ground landing (platform) that is with or without stairs or an uncovered ground level walkout porch, that is within the rear setback and meets all the following standards:
 - 1. Landing or porch area is no more than 32 square feet in size;
 - 2. Stairs from a landing to the finished grade shall be allowed provided that the stairs extend no closer to the rear property line than the extent of the landing;
 - 3. Connected to the rear of a residential dwelling; and
 - 4. Used for ingress to and egress from the rear of a residential dwelling;
 - g. Window wells within the rear setback that allow for emergency ingress to and egress from the rear of a residential dwelling through a window to a basement that is fully or partially below ground.