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Staff Report Memorandum September 21, 2023

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments to Title 21 of the Land Development Code CA09082023-0006607
related to Mixed Use Development

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

On behalf of Sandy City, the Community Development Department is proposing to amend several chapters of Title 21 of the Sandy Municipal Code. This includes the following: Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District; Chapter 23 - Commercial, Office, Industrial, and Transit Corridor Development Standards, Section 24 – Mixed Use Development Standards; and Chapter 37 - Definitions, Section 14 - “M” Definitions. The purpose of the code amendments is to revise the development standards, locations, and definitions for implementation of mixed use development within Sandy City.

The specific amendments to the Land Development Code are included as Exhibit “A” (red-lined version) and Exhibit “B” (clean version).

Background

The Mixed Use Ordinance was formally adopted in August of 2002 and has largely remained unchanged. This ordinance was originally designed so that Transit Oriented Developments and other “infill” developments could be developed within the City. Some areas were rezoned for this specific use, while other zones allow for mixed use development as a land use type. Both applications are subject to this same section of code.

Staff has received several proposals and requests over the past couple of years to build multi-family housing within commercial zones districts. Most commercial zones do not allow for this type of development as a standalone use. However, residential uses could be allowed within a mixed use development. Staff has not supported a couple recent applications that sought to achieve a predominantly residential development under a supposed implementation of a mixed use development.

The intent of these amendments is to strengthen and clarify the code with minor amendments to prevent misuse of the existing code. This is an interim measure while we await the completion of the City’s General Plan update. Staff intends to revisit this topic of mixed use development once we have further guidance and direction from the updated General Plan.

Property Case History	
Case Number	Case Summary
CODE-12-11-2129	This amended the residential building roof line requirements in a mixed use development.

Public Notice and Outreach

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

Analysis

Many of our commercial zone districts allow for mixed used development through the conditional use review permitting process. The inclusion of multiple unit residential dwellings can currently be incorporated into a mixed use development concept that is of sufficient size to assure adequate site development and a satisfactory and safe residential environment or through an overall mixed use masterplan of several properties. The objective of the mixed use concept is to create self-contained communities in which residents may walk to work, shopping, and recreational facilities. Merely placing residential and commercial uses adjacent to one another does not create a mixed use development and would not be an appropriate application of a mixed use development.

To assist the development community and public in better understanding what is intended with the intended application and appropriate implementation of a mixed use development, staff has proposed three sections of the Land Development Code be revised. The following is a summary of the proposed changes to Title 21:

1. **Land Use Matrix.** Revisions to the land use matrix for the term “mixed use development” included making this type of use permitted in the various zone districts within the Cairns, making it a non-permitted use in zone districts where this it is not appropriate, and providing a subscript note that would further restrict these uses to areas that have already been master planned for mixed use development (such as the Cairns Master Plan, Historic Sandy Neighborhood Plan, etc.) and mixed use master planned developments where private property owners have subjected themselves to a mixed use development master plan and has been approved by the Planning Commission. It further requires these mixed use development master planned areas to be at least 15 acres in size.
2. **Mixed Use Development Standards .** Several minor changes are proposed throughout this section to further clarify that these regulations apply to all mixed use developments, whether they are within the Mixed Use Zone or within another zone district. The substantial change made to this section of code is a standard ratio for the appropriate mix of uses in a mixed use development. It provides a stipulation that no more than 60% of the total gross building square footage of the overall master plan area may be residential uses. The balance would have to be a mix of other commercial uses. Previously this appropriate mix was determined by the Planning Commission on a case by case basis with no minimum standard.
3. **Mixed Use Development Definition .** There are currently five different definitions relating to the term “mixed use.” Each one is related but with different nuances. The proposal combines, clarifies, and consolidates the definition into a single defined term of “mixed use development” that can be consistently applied throughout the development code.

Staff believes that these proposed amendments are sufficient for now to provide meaningful change to our code that clarifies and further defines the minimum standards for mixed use development in Sandy. Staff is confident that this will resolve the issues and concerns we’ve had in administrating the code. Hopefully it will help potential land use applications submit

development proposals that are truly mixed use developments and not just an apartment project placed adjacent to other existing commercial uses and hoping that it would qualify for a mixed use development.

Non-Conforming Uses

This code amendment would create legal non-conforming situations for previously approved mixed use development projects that do not meet the new criteria.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 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 is consistent with the purpose of the Land Development Code because the proposal promotes efficient use of the land. The proposed Code Amendment would facilitate the orderly growth and development of Sandy City.

General Plan Compliance

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective. The proposed Code Amendment will facilitate the orderly growth and development of Sandy City. The City's General Plan encourages a mixture of land use types where appropriate and recognizes the need for continued re-evaluation of our local needs.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend several chapters of Title 21 of the Sandy Municipal Code as shown in Exhibit “A”, based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City and Compliance with the Goals and by encouraging a mixture of land use types where appropriate.

Planner:



Mike Wilcox
Planning Director

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