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## MEMORANDUM

April 10, 2019

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**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Alcohol Permits in SD(MU) Zone  
Amend Title 15A, Chapter 19-03, SD-MU Mixed Use, Land  
Development Code, Revised Ordinances of Sandy City,  
2008

CODE-03-19-5635

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**HEARING NOTICE:** *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

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### REQUEST

On behalf of the City, the Community Development Department is proposing to amend Title 15A, Chapter 19-03, SD-MU Mixed Use, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to revise the permitted uses in the zone to allow for alcoholic beverage single event permits and alcoholic beverage temporary beer permits.

### BACKGROUND

During the City Council meeting on March 12, 2019, the Council received a request from a concert promoter to have the ability to serve alcohol during certain shows and concerts at the Sandy City Amphitheater. This promoter informed the City that certain acts and performers would not come to the venue if alcohol sales were not available at the venue. Staff brought back further information to the Council on March 26, 2019 regarding the sections of City Code that would need to be amended to accommodate alcohol sales at the amphitheater.

The SD(MU) zone district is the current zoning of the Sandy City Amphitheater. It would need to be amended to accommodate the request for alcohol sales at the venue. This zone has a limited list of permitted and conditional uses. Alcohol is not currently permitted or conditional in this zone. The city has not made any changes to this section of code since the 2008 Code was originally adopted.

### ANALYSIS

The purpose of the Special Use District (Mixed Use) is to provide for mixed uses, such as professional office, multi-family and quasi-public. The land that is zoned SD(MU) has been developed into the

Sandy City Amphitheater, the Senior Citizens Center, and an interactive water feature. Alcohol sales at a concert or performing arts center is commonly associated with activities held at an amphitheater.

Staff has prepared an amendment to this zone to the "Uses Allowed" section of the code (15A-19-03(B), which contain the list of permitted and conditional uses. Staff has added to the list of permitted uses the following (with their definitions):

- **Alcoholic Beverage Single Event Permit** - A Single Event license allows the licensee to sell and allows the on premise consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple Single Event Permits may be obtained per calendar year and is limited to the number of events permitted by the Utah Department of Alcohol Beverage Control.
- **Alcoholic Beverage Temporary Beer Permit** - Temporary Beer Event permits are required to sell beer for on premise consumption at a temporary event. Multiple Temporary Beer Event Permits may be obtained per calendar year and is limited to the number of events permitted by the Utah Department of Alcohol Beverage Control.

Staff is not proposing any changes to the list of conditional uses, but is proposing changes to the process. This would eliminate the City Council from the review of conditional uses. These changes are in keeping with how we process other conditional uses.

The clean version of all final proposed text is shown in Exhibit "A" attached hereto. A full detail of all redlined changes is shown in the attached Exhibit "B".

**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 consistency and equitable standards under which certain alcohol related uses and permits will be governed in this SD(MU) zoning district of the 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.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a positive recommendation to approve a code amendment to amend a portion of Title 15A, Chapter 19-03, SD-MU Mixed Use, Land Development Code, Revised Ordinances of Sandy City, 2008 (Exhibit "A") based on the following findings:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards in Sandy City.
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:



Mike Wilcox  
Zoning Administrator

Reviewed by:

