

ORDINANCE #16-34

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY AMENDING CHAPTER 23, "COMMERCIAL, OFFICE, INDUSTRIAL, AND TRANSIT CORRIDOR DEVELOPMENT STANDARDS" TO ADD A PORTION OF THE ADMINISTRATIVE CODE TO THE LAND DEVELOPMENT CODE, SPECIFIC TO THE AUTHORITY OF THE PUBLIC UTILITIES DIRECTOR, AND; 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 23, "Commercial, Office, Industrial, and Transit Corridor Development Standards", to add a portion of the Administrative Code to the Land Development Code, specific to the authority of the Public Utilities Director. This language is related to approving alternatives to undergrounding existing utility lines when found to be currently impractical and would be part of a future large scale project; 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.

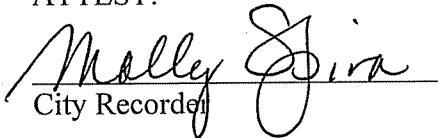
Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this 11th day of October, 2016.



Stephen P. Smith, Chairman
Sandy City Council

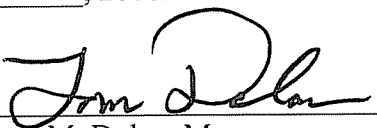
ATTEST:



Molly Gira
City Recorder

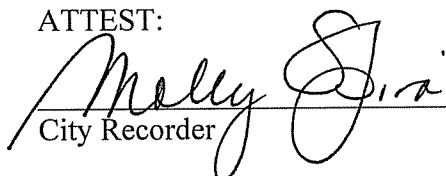
PRESENTED to the Mayor of Sandy City for his approval this 25th day of October, 2016.

APPROVED this 25th day of October, 2016.



Thomas M. Dolan, Mayor

ATTEST:



Molly Gira
City Recorder

PUBLISHED this 29th day of October, 2016.



Exhibit "A"

15A-23-12 Utilities

All utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity, or any other energy or service shall be installed on a permanent basis above ground. However, back flow devices have to be installed above ground. Therefore, no pole or other support structure shall be erected, altered, or replaced upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

- A. Transformers shall be grouped with other utility meters where possible. Gas meters, electric service meter panels, electric service entrance equipment, and other utility boxes shall be grouped together, where possible, and attached to the side of the buildings and shall be painted to match the adjacent building wall. (Ord 09-01, Amended 3-5-2009)
- B. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.
- C. Where overhead poles exist, service lines to new developments must be placed underground from the nearest overhead service pole.
- D. This section does not require removal of any existing electrical transmission facilities and electrical distribution lines nor does it restrict the repair, minor relocation, and maintenance of any such existing facilities except that if any development requires a road widening to meet the impacts of that development and there are utility poles in the road to be widened, the developer, at his own expense, shall be responsible to remove those utility poles out of the public right-of-way and to underground all utility lines across the frontage of the development that may be associated with those utility pole(s). (Ord 11-07, Amended 5-3-2011)
- E. The director of the department of public utilities may approve, with the consent of the City Council, an alternative to the requirement of placing existing utility lines underground on a temporary basis, upon finding that burial is currently impractical and would be best accomplished as part of a future large-scale project. The director may also approve an alternative to the requirement of placing new and existing utility lines underground on Utah State highway projects, upon findings by the director.
- ~~E~~F. Street Tree/Street Light Coordination. Actual tree spacing during site plan review may be adjusted, as necessary, to match existing streetscape or to adapt to unique on-site conditions that would justify such, e.g., topography, street lights, power lines and poles, and other utilities. In some cases, street trees may need to be placed behind sidewalks, or eliminated, in order to accommodate on-site conditions. Parkstrips on arterial and collector streets should accommodate street trees, street lights, and other needed utilities. Street trees should be placed such that the street lighting system functions properly and achieves the desired result.

FG. All utility boxes, e.g., transformers, switch gear, telephone, cable tv, back flow preventers, etc., shall be shown on the site plan and utility plan and shall be placed a minimum of 5 feet from any sidewalk or parking lot curbing. Said utility boxes shall not be located within any required traffic sight triangle(s), as determined by the Sandy City Transportation Engineer, and shall be screened from view with appropriate landscaping or architectural elements compatible in material and color with the primary structure. Each box shall be shown in its exact location and shall be noted with its exact height, width, and length. (Ord 09-01, Amended 3-5-2009)