

## RESOLUTION # 18-05C

### A RESOLUTION INVOKING THE PENDING ORDINANCE DOCTRINE PERTAINING TO ALCOHOL AND TOBACCO SPECIALTY STORES IN SANDY CITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, under Title 15A of the Ordinances of Sandy City, Utah, the Land Development Code, the City Council adopted regulations pertaining to alcohol or tobacco specialty stores in the City as defined in Chapter 37 of Title 15A; and

WHEREAS, alcohol or tobacco specialty stores are only permitted in the industrial district and must meet the following additional requirements: This use is not permitted if any part of the proposed/existing building containing the use is within 1,000 feet from any community location such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade, within 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use; within 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street, the distance shall be measured from the right-of-way boundary. Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store; and

WHEREAS, zoning and separation regulations are for the purpose of protecting the health, welfare and safety of the residents of Sandy City and also others who frequent community locations, specifically for the purposes, among others, of preventing clustering of similar businesses and preventing underage youth from exposure to alcohol or tobacco specialty stores; and

WHEREAS, since adoption of Sandy City's regulations, community locations have located within or near various industrial district boundaries; and

WHEREAS, Sandy City officers, officials and staff members recognize from their own experience and also the experiences of the Salt Lake Valley Health Department and other municipalities, that information submitted to Sandy City by alcohol or tobacco specialty stores may be manipulated in an attempt to avoid zoning and separation regulations and potentially undermine Sandy City's legitimate zoning ordinances and purposes therefore; and

WHEREAS, the City Council wishes to review regulations related to alcohol or tobacco specialty stores and to make such further decisions as may be appropriate concerning the location

and operation of such businesses in the City, with the limitations provided by provisions of existing statutes and the United States of America and Utah constitutions;

NOW, THEREFORE, the City Council of Sandy City, Utah resolves as follows:

1. Pending Ordinance Doctrine. In order to protect the public health, safety and welfare and to implement the planning objectives of the City, the City Council hereby expressly invokes the Pending Ordinance Doctrine pertaining to the regulation of alcohol or tobacco specialty stores in the City and initiates consideration of amendments to such regulations. Specifically, among other considerations, regulations shall be considered pertaining to the definition and location of alcohol or tobacco specialty store.
2. Administrative Rules and Regulations. The Mayor may adopt such administrative rules and regulations as are necessary for the proper administration and implementation of the purposes, procedures, intent, findings and substance of this resolution.
3. Appeal. Owners of private real property or a real property right who claim there has been an unconstitutional taking of their property, without just compensation, may petition for a review of a final decision of any City officer, employee, board, commission, or the Council under § 11-3-2 of City Ordinances. Consistent with the separation of powers which is integral to the City's form of government, the Council hereby designates the Mayor to hear and consider such petitions. The Mayor may delegate such responsibility to another individual or board.

The pending ordinance doctrine shall become effective on the date and time on which the unsigned draft Resolution #18-05C is first made available to the public.

ADOPTED this 6th day of February, 2018.

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Linda Martinez Saville, Chair  
Sandy City Council

ATTEST:

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City Recorder

RECORDED this \_\_\_\_\_ day of February, 2018.