

ORCHARDS AT FARNSWORTH FARMS REZONE

ORDINANCE 21-30

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING APPROXIMATELY 10.07 ACRES FROM R-1-40A "SINGLE FAMILY RESIDENTIAL DISTRICT" TO PUD(10) "PLANNED UNIT DEVELOPMENT (10 UNITS PER ACRE)", LOCATED AT APPROXIMATELY 11228 SOUTH AND 700 EAST; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, Utah, finds and determines as follows:

1. Pursuant to Sections 10-9a-501 through 10-9a-505 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land.
2. A request has been made for a change of zoning on the below described property.
3. The Planning Commission held a public hearing on November 5, 2020, which meeting was preceded by notice published in the Salt Lake Tribune on October 22, 2020, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on October 21, 2020; and to review the request for rezoning and has made recommendations thereon to the City Council.
4. The City Council of Sandy City, Utah met on November 17, 2020, and adopted Ordinance 20-04 taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations. The City Council of Sandy City, Utah met on October 5, 2021, and has taken into consideration additional information, citizen testimony and engaged in additional deliberations related to Ordinance 20-04.
5. The rezone of said parcel will be appropriate, it is in accordance with the General Plan, it will promote the health and general welfare of the City, it will be compatible with the best interests of the particular neighborhood involved and it will be sensitive to the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, Utah, as

follows:

Section 1. Replacing Ordinance 20-04. This Ordinance amends and replaces Ordinance 20-04.

Section 2. Amendment. The zoning ordinance which sets forth the zone districts within Sandy City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property described in **EXHIBIT "A"**, which is attached hereto and by this reference made a part hereof, affects approximately 10.07 acres, located at approximately 11228 South 700 East, Sandy, Utah, and currently zoned as the R-1-40A "Single Family Residential District", shall be zoned to the PUD (10) "Planned Unit Development (10 units per acre)" to allow the potential subdivision of the property, and the land use map is amended accordingly. The subject property is located in City Council District #1.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

R-1-40A "Single Family Residential District"

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

PUD (10) "Planned Unit Development (10 units per acre)"

Section 2. Severable. If any part of this ordinance or the applications 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 to 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.

Option 1 [Accepts changes to date; allows additional revisions based on staff and Planning Commission final reviews and approvals through standard processes]. This ordinance shall not become effective until it is published. The City Recorder is instructed to NOT publish this Ordinance until a building permit or permits have been applied for and approved to develop the property subject to this Ordinance in compliance with: (a) Planning Commission preliminary review and conditions associated with the plans reviewed by the City Council as a part of the adoption of and attached as Exhibit A to this Ordinance on October 5, 2021; and (b) final review and final approvals granted pursuant to Sandy City Code. If the final approvals as specified above have not been obtained on or

before November 1, 2022, then the City Recorder is instructed to NOT publish this Ordinance which shall then become null, void and of no legal or binding effect.

Option 2 [Does not accept changes yet; extends deadline one year so changes can be brought back to City Council after final reviews and approvals]. This ordinance shall not become effective until it is published. The City Recorder is instructed to NOT publish this Ordinance until the Director of Community Development and the City Attorney certifies by letter that a building permit or permits have been applied for and approved to develop the property subject to this Ordinance in compliance with Planning Commission approvals and the plans reviewed by the City Council as a part of the adoption of and attached as Exhibit A to this Ordinance on November 17, 2020 or, after receiving a recommendation from the Planning Commission, the City Council has been advised of and accepted revisions to Exhibit A made during the site plan and building permit approval process. If the certification by letters or City Council acceptance of revisions as specified above has not been obtained on or before November 1, 2022, then the City recorder is instructed to NOT publish this Ordinance which shall then become null, void and of no legal or binding effect.

PASSED AND APPROVED this ____ day of _____, 2021.

Allison Stroud, Chair
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2020.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2021.

SUMMARY PUBLISHED this ____ day of _____, 2021.

EXHIBIT A
(Plans presented to City Council)