

Title 21

LAND DEVELOPMENT CODE

CD21:1

CHAPTER 21-1. ORGANIZATION**Sec. 21-1-1. Short Title.**

This title shall be known as the Development Code of Sandy City 2008 (may be referred to hereinafter as "this title") and may be so cited and pleaded.

(LDC 2008, § 15A-01-01)

Sec. 21-1-2. Authority.

This title is adopted pursuant to the provisions of the Utah Code Annotated, including the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.).

(LDC 2008, § 15A-01-02)

Sec. 21-1-3. Purpose and Scope.

(a) *Purpose.* The ordinance from which this title is derived is adopted to implement the Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, and 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 title 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.

(b) *Scope.* Consistent with the above purpose and intent, this title establishes land use classifications; creates zoning districts; establishes regulations, prohibitions, and restrictions on land use and development; governs the use of land for residential and nonresidential purposes; regulates the height and bulk of buildings and other structures; regulates lot occupancy and the size of yards and other open spaces; establishes standards of performance and design; adopts a map of the zoning districts; creates boards and commissions for land use and development decisions and defines the powers and duties of the administration, land use authority, and appeal authority; prescribes procedures for changes of districts, conditional use permits, subdivision approvals, variances, special exceptions, appeals, and annexations; and prescribes penalties for violations of this title.

(LDC 2008, § 15A-01-03)

Sec. 21-1-4. Relationship to General Plan.

(a) The adoption of the ordinance from which this title is derived is consistent with, compatible with, and furthers the goals, policies, objectives, and programs of the General Plan. It is the intent of the City Council that regulatory decisions made pursuant to this title be consistent with the General Plan.

(b) For purposes of this title, the term "consistency with the General Plan" means not only consistency with the Plan's land use and density designations, but also consistency with all aspects of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources.

(LDC 2008, § 15A-01-04)

Sec. 21-1-5. Effect on Previous Ordinances and Maps.

Any maps previously adopted shall remain in affect pursuant to this title. This title shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions of previous codes is included in this title, whether in the same or in different language. This Code shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

(LDC 2008, § 15A-01-05)

Sec. 21-1-6. Interpretation.

Interpretation and application of the provisions and requirements contained herein are declared to be the minimum requirements for the purposes set forth, unless otherwise specifically stated. If in the course of administration hereof, a question arises as to the meaning of any phrase, section, or chapter, or zone district, the interpretation thereof shall be given by the Community Development Director (hereinafter referred to as the "Director") and shall be construed to be the official interpretation thereof. In the event that there is a need of further interpretation by any person, firm or corporation, or official of Sandy City, they shall submit the question to the Planning Commission, which, unless otherwise provided, is authorized to interpret the title and such interpretation shall be final.

(LDC 2008, § 15A-01-06)

Sec. 21-1-7. Conflict.

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws (which are not superseded by this title), but shall prevail when such provisions are less restrictive. In the event of a question between this title and the General Plan, this title shall prevail. (LDC 2008, § 15A-01-07)

CHAPTER 21-2. GENERAL PROVISIONS**Sec. 21-2-1. Violations and Penalties.**

(a) *Violations.* It is unlawful to construct, erect, install, alter, change, maintain, use, or permit the construction, erection, installation, alteration, change, maintenance or use of any house, building, structure, sign, landscape area, parking lot, fenced lot or other land contrary to any of the provisions of this title. Any land use that is specifically prohibited by this title or is unspecified and not classified by the Director is prohibited in any district.

(b) *Property Owner is Responsible Party.* The owner and/or the person in possession of any property used in violation of this title shall be responsible for any violation thereof, whether or not he or his agent has committed the prohibited acts or has neglected to prevent the performance of the prohibited acts by another person.

(c) *Penalty.* Any person, firm, or corporation violating any of the provisions of this title (and any amendments hereto, or of any adopted subdivisions, official maps, major street plan ordinance, or regulations) shall, upon conviction, be punishable as a Class C misdemeanor.

(d) *Number of Offenses.* Every person, firm, or corporation shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.

(e) *Remedy.*

- (1) The City, or any adversely affected owner of real estate within the City in which violations of this title occur or are about to occur, may, in addition to other remedies provided by law, institute:
 - a. Injunctions, mandamus, abatement, or any other appropriate action.
 - b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- (2) The City need only establish the violation to obtain the injunction.
- (3) The City may, in addition to other remedies provided by law, enforce the ordinance by:
 - a. Withholding building permits; or
 - b. Taking action to cancel any permit or approval for failure to comply fully with the terms of any permit or approval, including, but not limited to, a conditional use permit, site plan review, building permit, variance, or special exception. The authority that issued the permit or approval shall consider the matter at a public hearing preceded by at least ten days' notice to the licensee/permittee. Cancellation or revocation of a permit or approval may be appealed in the same manner as the original action.

(f) *Nuisance and Abatement.* Any required fencing, landscaping, parking lot, lighting, or other required site plan elements, building or structure erected, constructed, altered, enlarged, converted, moved, removed, or maintained contrary to the provisions of this title, and any use of any conditional use permit, approved site plan, other approved development plans and permits, land, building, or premises established, conducted, or maintained contrary to the provisions of this title shall be, and the same hereby is declared to be, unlawful and a public nuisance. In addition to other remedies provided by law, the City Attorney, upon request of the Director, may immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building use or structure, and restrain and enjoin any person, firm, or corporation from erecting, building, maintaining, or using any such building, structure, or property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive.

(LDC 2008, § 15A-02-01)

Sec. 21-2-2. Severability.

Should any chapter, section, clause, or provision of this title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the title as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(LDC 2008, § 15A-02-02)

Sec. 21-2-3. Compliance and Scope.

(a) *Use of Land, Buildings, and Structures.* No land shall be used or occupied and no building or structure shall be designed, erected, altered, used, or occupied for any use except those uses specifically permitted on the land upon which the building or structure is located or erected or use established as permitted in the regulations for the district in which said land is located. Storage of any kind on a vacant lot is prohibited.

(b) *Development to be in Accordance with Terms of Licenses, Permits, or Approvals.*

- (1) All construction, operations, and occupancy shall be in accordance to approved building permits, conditional use permits, approved site plans, business licenses, and other permits which may be required. No deviance from said permits or approvals shall be made unless the proper variances, special exceptions, or appeals have been granted as per this title.
- (2) No building permit shall be issued until all permits, reviews, or approvals required by this title have been secured. Grading permits may be issued by the Building and Safety Division prior to the issuance of a building permit with the approval of the Sandy City Engineer and Director, accompanied by a bond (amount to be determined by the Sandy City Engineer). Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required by this title.

(c) *Conformance to Ordinance Provisions.* All City officials who are vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate, license for uses, buildings, or purposes in conflict with the provisions of this title. Any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.

(d) *Inspection of Property.*

- (1) *Inspection of Buildings, Structures, and Land Uses.* The Director is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this title; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification, or repair of any building or structure unless otherwise provided herein or elsewhere in the ordinances of Sandy City.
- (2) *Right of Entry.* The Director or any authorized employee shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title, provided such right of entry shall be exercised only at a reasonable hour and in no case shall entry be made to any building in the absence of the owner or tenant thereof without their consent or a written order of a court of competent jurisdiction.

(LDC 2008, § 15A-02-03)

Sec. 21-2-4. Fees.

A fee shall be paid for certain reviews and permits as established by the City Council. No such fee shall be returnable in the event that the permit or approval applied for is denied.

(LDC 2008, § 15A-02-04)

Sec. 21-2-5. Administrative Reviews and Permits.

(a) *Review for Building Permits.* The Chief Building Official shall submit all applications for building permits to the Director for review. Such review shall determine compliance with the regulations of this title. The requirements for a building permit shall be established by the Director. The Chief Building Official shall issue no building permit until the application is approved for zoning compliance by the Director.

(b) *Review for Business Licenses and Home Occupations.* All applications for business licenses, home occupations, or renewal of such licenses shall be submitted to the Director for review to determine compliance with this title.

(c) *Site Plan Review.* All applications for site plan review as provided for in this title shall be submitted to the Director. The Director shall receive all submittals to ensure completeness and prepare submittals for review.

(d) *Conditional Use Permit.* All applications for a conditional use permit shall be submitted to the Director as provided for in this title. The Director shall receive all submittals, ensure completeness of submittals, and prepare submittals for review by the Planning Commission.

(e) *Temporary Use Permit.* All applications for a temporary use permit shall be received by the Director and follow the procedure as described in this Code.

(f) *Amendments.* All requests for amendments or changes to this title or Zone District Map shall be initiated with the Director. The amendment process shall proceed as provided for in this title.

(g) *Sign Permit.* As provided in this title, the Director shall be responsible for issuance of permits for signs and for enforcement of sign regulations.

(h) *Grading Permit.* As provided in this title, the Building and Safety Division shall be responsible for issuance of permits for grading and for enforcement of grading regulations.
(LDC 2008, § 15A-02-05)

Sec. 21-2-6. Expiration of Licenses, Permits and Approvals.

Each license, permit, or approval issued, as set forth herein, shall expire after 180 days if no construction is undertaken or no work is done, unless a different time period is specifically set forth at the time of issuance of the license or permit or in this title, or unless an extension is granted by the issuing agency prior to expiration.
(LDC 2008, § 15A-02-06)

Sec. 21-2-7. Lot Standards.

Except for more flexible requirements, as those pertaining to planned unit developments or as may be otherwise provided in this title, every lot within the City shall have such area as is required by this title and shall have the required frontage upon a dedicated or publicly-approved street before a building permit may be issued.
(LDC 2008, § 15A-02-07)

Sec. 21-2-8. Substandard Lots.

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single unit dwelling of any lot or parcel of land in the event that such lot has been held in separate ownership prior to and continuing since the adoption of the ordinance from which this title is derived and zoning regulations in effect prior to the adoption of the ordinance from which this title is derived.
(LDC 2008, § 15A-02-08)

Sec. 21-2-9. Every Dwelling on a Lot.

Unless otherwise permitted by this title, every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, frontage, and public improvements required by this title for the zone district in which the dwelling structure is located, except group dwelling complexes under single ownership and management which are permitted by this title may occupy one lot for each such multi-structure complex. No recreational vehicle as herein defined shall be located, placed, used, or occupied for residential purposes in any zone district.
(LDC 2008, § 15A-02-09; Ord. No. 13-13, 6-5-2013)

Sec. 21-2-10. Yard Space for One Building Only.

No required yard or other open space around a building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this title, shall be considered as providing

a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on a lot whereon a building is to be erected or established.

(LDC 2008, § 15A-02-10)

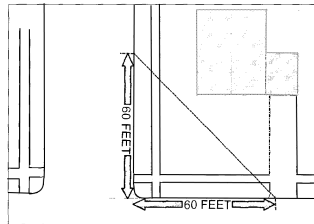
Sec. 21-2-11. Yard to Be Unobstructed, Exceptions.

Every part of a required yard shall be open to the sky and unobstructed, except for accessory buildings in a rear or side yard and for the ordinary projections of skylights, sills, cornices, chimneys, flues, other ornamental features which project into a yard not more than two feet, and fire escape structures projecting into a yard not more than five feet.

(LDC 2008, § 15A-02-11)

Sec. 21-2-12. Clear View of Intersecting Streets.

(a) In all districts or uses for which a front yard is required, no opaque obstruction to view in excess of three feet high (above top back of curb) shall be placed on any corner lot within a triangular area formed by the intersection of straight lines extended from the back of the curb (or future curb) and a line connecting them at points 60 feet from the intersection of the curb line, except a reasonable number of trees pruned to permit unobstructed views to automobile drivers.



(b) Deviations from these requirements must be reviewed by the Transportation Engineer to determine if there is an acceptable degree of safety.

(LDC 2008, § 15A-02-12)

Sec. 21-2-13. Sale or Lease of Required Space.

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot or building may be sold or leased apart from such lot or building.

(LDC 2008, § 15A-02-13)

Sec. 21-2-14. Division of Lots Below Minimum Space Requirements.

No parcel of land which has less than the minimum width and area requirements for the zone district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of a building or development as a lot.

(LDC 2008, § 15A-02-14)

Sec. 21-2-15. Conservation of Values.

It shall be the responsibility of each property owner to maintain their property in a good, clean condition, making necessary repairs to the home, accessory structures (e.g., fencing, yard lights, and other appurtenances) and landscaping. Good condition shall mean properly painted structures, fences in an upright and stable position, landscaping free of weeds, dead materials (e.g., dead trees or shrubs), as well as generally accepted maintenance practices for residential property, as more specifically addressed within Title 19.

(LDC 2008, § 15A-02-15)

Sec. 21-2-16. Guarantee for Improvements.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *City* means Sandy City and its employees and contractors.
- (2) *Cost of construction* means the full, or 100 percent, value of the estimated cost of installing the improvements, as determined by the City Engineer.
- (3) *Director* means the Community Development Director.
- (4) *Documents* means approved site plans, Sandy City Standard Specifications and Details, building and/or grading permits, City ordinances, and other drawings and documents pertinent to the project.
- (5) *Estimate* means the document, prepared by the City Engineer, showing the dollar amount which the City will require the owner to post as the guarantee for improvements. The dollar amount is based on the reasonable cost of construction as determined by the City Engineer of each required improvement.
- (6) *Guarantee* or *guarantee for improvements* means a cash bond, escrow bond or letter of credit provided by the owner as further defined in Subsection (q) of this section. The term "guarantee" also means the dollar amount posted by the owner.
- (7) *Improvement* means infrastructure that an owner is required by the documents to install as a condition to recording a subdivision plat or developing a commercial, office, industrial, mixed use, or multifamily project. Improvements can be either public or private and are further defined in Subsection (c) of this section.
- (8) *Owner* means owners, developers, contractors and/or land use applicants.

(b) *Owner is Responsible for Performing All Improvements.* The installation of all improvements is the responsibility of the owner, unless otherwise approved by the City Engineer.

(c) *Improvements.* Improvements are listed below, and shall be designated throughout this section by their respective numbers, 1 through 17.

Public Improvements:

1. Any water system facilities proposed to be maintained by the City, such as water main lines, service laterals, meter boxes, fire hydrants, back-flow prevention devices, and other appurtenances.

2. Any irrigation and flood control systems proposed to be maintained by the City.
3. Any roadway improvements proposed to be maintained by the City, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, street signs, etc.
4. Retaining walls that support public roads.
5. Street lights.
6. Public streetscape (trees, benches, grass, etc.).
7. Survey monuments and rivets.

Private Improvements:

8. Water system facilities proposed to be privately-maintained, such as water main lines, service laterals, meter boxes, fire hydrants, back-flow prevention devices, and other appurtenances.
9. Private irrigation and flood control systems.
10. Any roadway or parking lot improvements proposed to be privately-maintained, to include privately maintained curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, parking lot lights, etc.
11. Retaining walls that do not support public roads.
12. Dumpster enclosures.
13. Roof screening.
14. Fencing and walls (not retaining walls).
15. Landscaping and sprinkling systems in designated common areas.
16. Any other reasonably required improvements determined by the City Engineer and Director in order to meet the intent of this title.
17. In PUDs and HSDs, required landscaping and sprinkling systems for a yard or lot for an individual home.

(d) *Guarantee for Improvements.* Owners proposing new or substantially modified commercial, office, industrial, multifamily, or single-family residential projects, with required on-site or off-site improvements in the City, are required to post a guarantee for improvements on forms acceptable to the City, prior to City approval for construction of the project. The dollar amount of the guarantee shall be based on the reasonable cost of construction as determined by the City Engineer or Director (or designee).

(e) *City Engineer's Estimate.* The City Engineer or his representative shall prepare one or more estimates, the number of which shall be determined by the City Engineer. The sum of these estimates shall be the total dollar amount required for the guarantee.

(f) *Separate Estimates.*

- (1) The City Engineer may provide separate estimates, grouping certain improvements on each estimate, with the intent to provide the owner the opportunity to install each grouping of

improvements completely and then apply for release of the guarantee amount associated with that estimate. Generally, there may be up to four estimates as determined by the City Engineer, with suggested groupings of improvements as follows:

- a. Estimate containing improvements 1 and 8;
- b. Estimate containing improvements 2 through 4, 9 and 10;
- c. Estimate containing improvements 5, 7, and 11 through 14;
- d. Estimate containing improvements 6 and 15.

(2) Other groupings of improvements may be approved by the City Engineer.

(3) All improvements included with each separate estimate, as well as all other items required by the City Engineer and Director, shall be installed to the satisfaction of City Engineer before any portion of the guarantee amount associated with that separate estimate will be released.

(g) *Amount of the Guarantee.* The following percentages refer to the dollar amounts of the cost of construction as determined by the City Engineer:

- (1) 100 percent for improvements 1 through 7 shall be provided prior to approval.
- (2) 50 percent for improvements 8 and 9 shall be provided prior to approval.
- (3) Ten percent for improvements 10 through 15 may be required prior to approval, as determined by the City Engineer.
- (4) 100 percent or ten percent for improvement 16 may be required prior to approval, as determined by the City Engineer.
- (5) \$3,500.00 for improvement 17 shall be provided at the time of issuance of the building permit.
- (6) The City Engineer reserves the right to add an additional dollar amount to an estimate in order to reach an amount equal to the cost of construction.

(h) *Installation of Improvements Prior to Site Occupancy.* Improvements 1 through 4 and 8 through 11 shall be installed to the satisfaction of the City Engineer prior to the issuance of any occupancy permit for the development, unless otherwise approved by the Director (or designee) and the City Engineer.

(i) *Time Period for Installation of Improvements.* All improvements shall be installed to the satisfaction of the City Engineer within one year from the date the guarantee is posted with the City, unless otherwise approved by the Director (or designee) and City Engineer.

(j) *Specified Sequence.* To protect the health, safety and welfare of the City and its residents from traffic, flood, drainage or other hazards, the City Engineer may require that the improvements, including those found damaged or defective prior to 100 percent release of the guarantee, be installed or repaired in a specified sequence and/or within a specified period of time, which may be less than one year. The City Engineer will notify the owner in writing of that requirement, if the City Engineer deems such action appropriate. If the owner fails to install the specified improvements or repairs as required by the City Engineer, the City may take whatever action it deems appropriate to install the improvements or make the repairs, including foreclosure on the guarantee.

(k) *Release of Guarantee.* The individual estimate shall be the document that governs what dollar amounts can be released at any given time, upon approval by the City Engineer. A portion of the guarantee monies shown on an estimate may be released when all the improvements on an estimate have been installed and approved.

(l) *Initiating Inspections for Release of Guarantee.* Inspections will be scheduled upon the owner's written request. Said request shall contain a statement affirming that all improvements are complete and that there are no material or workmanship liens filed against the project.

(m) *80 Percent Release of Water System.* Upon 100 percent completion of improvements 1 and 8, or as otherwise approved by the City Engineer, the City may release a dollar amount that leaves a guarantee with the City that is equal to no less than 20 percent of the cost of construction for improvements 1 and 8.

(n) *90 Percent Release of Guarantee.* Upon 100 percent completion of improvements 1 through 15 (and, in some cases, 16) or as otherwise approved by the City Engineer:

- (1) The City may release an additional dollar amount that leaves a guarantee with the City that is no less than ten percent of the cost of construction for improvements 1 and 8, if Subsection (m) of this section applies, and all work on improvements 1, 3, and 10 has been completed;
- (2) The City may release a dollar amount that leaves a guarantee with the City that is no less than ten percent of the cost of construction for improvements 2 through 7 and 9 (and, in some cases, 16);
- (3) No portion of the guarantee for improvements 10 through 15 (and, in some cases, 16) will be released until the City has approved a 100 percent release, as provided in Subsection (p) of this section, if those items were initially guaranteed at ten percent according to Subsection (g) of this section.

Subsections (n)(1) and (2) constitute a 90 percent release of guarantee.

(o) *One-Year Warranty Period.* Upon 100 percent completion of the improvements listed on each separate estimate, and upon the 90 percent release of guarantee for that estimate, as set forth in Subsection (n) of this section, the one-year warranty period will begin for the improvements on that estimate.

(p) *100 Percent Release of Guarantee.* At the end of the one-year warranty period, and after any needed repairs of improvements are made, inspections will be scheduled, upon the owner's request to the City. Any deficiencies noted by City inspectors shall be corrected by the owner within 30 days from the time the inspector notifies the owner. If the deficiencies are not corrected within 30 days, the City has the right to foreclose on the guarantee and correct the deficiencies using the guarantee monies and/or take other action the City deems appropriate. Upon approval by the City Engineer, the City may release all remaining portions of the guarantee. This constitutes a 100 percent release of guarantee.

(q) *Type of Guarantee.* Guarantees shall be approved by the City and may be either:

- (1) An irrevocable letter of credit from a bank or credit union, chartered under the laws of the State of Utah or the United States of America, licensed and regulated by the Department of

Financial Institutions of the State of Utah or its successor, insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund, and having an office in the State of Utah. The letter of credit shall be signed by the guarantor, with the signature notarized and attested.

- (2) An escrow bond having as a guarantor an organization licensed and regulated by the Department of Financial Institutions of the State of Utah, or its successor, having an office in the State of Utah, and which is insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund. Escrow bonds shall be submitted on forms provided by the City and shall consist of a letter of commitment, signed by both the guarantor and the owner, with the signatures notarized and attested.
- (3) A cash bond, submitted on forms provided by the City and signed by the owner, with the signature notarized and attested.

(r) *Guarantee Form.* The following conditions apply to all types of guarantees and may be required as a statement or included on the guarantee form:

- (1) The City Engineer's estimates of required improvements.
- (2) A statement that, upon completion, inspection and approval of all improvements, a portion of the guarantee may be released and a portion of the original estimate amount will be withheld for one year after inspection, as set forth in this section. Said withheld amount will be available for use by the City as a guarantee in case of defective or faulty workmanship, deterioration, failure, faulty design and all other situations that do not conform to the applicable City specifications and approved drawings. After inspection and authorization from the City, and following the one-year warranty period, this withheld amount may be released.
- (3) A statement signed by the owner and filed with the City Engineer certifying that no material liens or mechanic (workmanship) liens exist with regard to the improvements related to any part of the guarantee.
- (4) Upon the request of the City Engineer, the guarantor of an escrow bond shall certify the amount existing in the escrow account pertaining to the guarantee, noting the amount of the current balance and amounts released and the date of such releases.
- (5) The guarantees shall be issued in the name of the party signing the Improvement Agreement document, Agreement to Conditions document and all other binding documents relating to the specific development.
- (6) The owner may be required to sign a statement that certifies that he has or will notify all subcontractors that the City will not release any portion of the guarantee until all improvements are installed and the work has been inspected and accepted by the City, at which time the City may release no more than the portions allowed under this section.

(s) *Duration, Terms, Extensions.* Every guarantee shall run to the benefit of the City and have an express term of at least three years from the date the guarantee is posted for any improvement to which it applies. Further, such guarantee shall contain language that ensures performance of the improvements by the owner and a provision for unconditional payment of the face amount of the guarantee within ten

days from any declaration of default or forfeiture. Guarantee extensions beyond three years may be allowed under special circumstances upon written request by the owner and with written approval by the City Engineer. The guaranteeing institution shall provide a written extension of the guarantee if it is not already within the express terms of the guarantee.

(t) *Default.* If the owner is in default or fails or neglects to satisfactorily install the improvements or satisfactorily complete any other development approval as required by the City, within one year from the date of posting the guarantee, or earlier time as established by this section, the City may, in its sole discretion, declare the guarantee forfeited and use the proceeds of the guarantee to install the required improvements. The City may deduct its administrative overhead and any other appropriate costs from the guarantee. If the guarantee is insufficient to install the improvements or collect the aforementioned costs, the City may take any other action it deems applicable to collect on the guarantee, which may include liens, or any other civil or criminal remedies allowable by law.

(u) *Utility Systems Connection Protection Guarantee.* The owner may have the option of posting a Utility Systems Connection Protection Guarantee, in the amount of \$25,000.00 (or other amount as determined by the Public Utilities Director, based upon the size, scope and potential impact of the development activity upon the existing utility system), in lieu of the guarantee described in Subsections (d) through (g) of this section. The City will not allow the use of this pre-installation of required infrastructure improvements alternative unless it is anticipated that a building permit will be issued or that a subdivision plat will be recorded.

- (1) After posting the Utility Systems Connection Protection Guarantee, the owner may install all improvements, except for any buildings, if the following have been completed to the satisfaction of the City Engineer and the Director:
 - a. Final subdivision or site plan review approval has been granted by the City and all final project plans, designs, construction drawings, plan and profile drawings, specification and requirements of project plan approvals have been granted by the City and all required fees have been paid to the City.
 - b. The City Engineer has finalized his estimates and calculated the total dollar amounts of the cost of construction of all of the improvements.
 - c. The owner has obtained all required road cut permits from the U.D.O.T., Salt Lake County or the City, as appropriate.
 - d. The owner has obtained all required permits and approvals from all affected utility providers, local districts, culinary water authorities, canal companies or canal operators or other affected entities.
 - e. The owner has posted the necessary acceptable minimum amount (as determined by the City Risk Manager) of contractor liability insurance, naming Sandy City as an additional insured on the project.

- (2) When the owner has completed the construction and installation of the required or proposed improvements, or the owner has need of recording the subdivision plat or desires a building permit, the owner shall notify the City. The City will perform detailed inspections on the improvements that have been installed.
- a. Based on the results of those inspections:
 1. The City Engineer shall create a City Engineer's Estimate according to Subsection (g) of this section, as described in this section, for all improvements related to a particular improvement system (the term "improvement system" means a group of improvements that work together to perform a certain function. Examples of improvement systems include water systems, flood-control systems, road systems, etc.) which are not 100 percent complete at the time of inspection; and
 2. The City Engineer shall create a City Engineer's Estimate for those groups of improvements that are eligible for the one-year warranty period, according to Subsections (n) and (o) of this section.
 - b. The owner shall post a guarantee, according to Subsections (u)(2)a.1 and 2 of this section.
- (3) The City will then formalize its land use activity approval by allowing the recording of the subdivision plat or the issuance of the building permit for on-site structures.
(LDC 2008, § 15A-02-16; Ord. No. 11-15, 9-9-2011; Ord. No. 12-04, 1-27-2012; Ord. No. 16-02, 1-14-2016)

Sec. 21-2-17. Nonconforming Use Provisions; Purpose.

It is the purpose of these regulations to control and gradually eliminate those uses of land or buildings which, although legal at the time of their establishment, do not now conform to the use regulations of the district within which they are situated. Such uses shall be deemed nonconforming uses. Likewise, these regulations are intended to control and gradually eliminate buildings which, although legal at the time of their erection, do not now conform to the height, bulk, and location regulations of the zone district within which they are situated. Such buildings shall be deemed to be nonconforming buildings. Any building or use which was permitted prior to enactment of the ordinance from which this title is derived, but which is designated by this title as a conditional use, shall not be considered nonconforming and shall not be subject to the provisions of this chapter. This chapter is also established to control and gradually eliminate sites and lots which were legal at the time of their establishment, but no longer meet the regulations of the district within which they are located. Such sites and lots shall be designated as nonconforming sites and lots.

(LDC 2008, § 15A-02-17)

State law reference—Nonconforming uses, U.C.A. 1953, § 10-9a-511.

Sec. 21-2-18. Continuing Existing Uses.

Except as hereinafter specified, any use, building, or structure lawfully existing at the time of the enactment or subsequent amendment of this title, may be continued, even though such use, building, or

structure does not conform with the provisions of this title for the district in which it is located. Except as otherwise provided by law, nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(LDC 2008, § 15A-02-18)

Sec. 21-2-19. Construction Approved Prior to Title.

A building, structure, or part thereof which does not conform to the regulations of the district in which it is situated, but for which a building permit was legally issued and construction started prior to the enactment of the ordinance from which this title is derived, may be completed in accordance with such plans providing work has progressed continuously and without delay. Such building or structure shall be deemed to be nonconforming and shall be subject to the regulations set forth herein.

(LDC 2008, § 15A-02-19)

Sec. 21-2-20. Nonconforming Structures.

(a) *Director Review.* The Director may approve repairs and/or changes to a nonconforming structure under the following conditions:

- (1) The structure is legally nonconforming.
- (2) The alteration, movement, enlargement or addition is in keeping with the intent of this title.
- (3) The proposed alteration, movement, enlargement or addition will not impose undue burden upon the lands located in the vicinity of the nonconforming structure.
- (4) The structure does not encroach further into the required setbacks beyond which has previously legally been approved.
- (5) Any applicable development standards for parking, landscaping, screening, etc., are still met or not made less conforming with the expansion.
- (6) No additional dwelling units are added to the building or structure.

(b) *Damaged or Destroyed Structures.* A noncomplying structure that is involuntarily damaged or destroyed, in whole or in part, by fire or other calamity may be restored or rebuilt, provided that such restoration is started within a period of one year and is diligently pursued to completion and the noncompliance is not increased. A noncomplying structure shall not be rebuilt or restored if:

- (1) The structure is allowed to deteriorate to a condition that the building is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the right to rebuild or restore such noncomplying structure will be lost if the structure is not repaired or restored within six months; or
- (2) The property owner has voluntarily demolished or removed a majority of the noncomplying structure.

(LDC 2008, § 15A-02-20; Ord. No. 12-04, 1-27-2012; Ord. No. 13-15, 6-11-2013)

State law reference—Nonconforming structures, U.C.A. 1953, § 10-9a-511.

Sec. 21-2-21. Nonconforming Uses.

(a) A nonconforming use may be changed to a conforming use.

(b) Any nonconforming use which has been changed to a conforming use shall not thereafter be changed back to a nonconforming use.

(c) A vacant building or structure may be occupied by a use for which the building or structure is designed or intended if so occupied within a period of one year after the use became nonconforming.

(d) Cessation of Use. A use shall be deemed to have ceased when it has been discontinued for a period of one year or more, whether or not the intent is to abandon said use.

(LDC 2008, § 15A-02-21; Ord. No. 13-15, 6-11-2013)

State law reference—Nonconforming uses, U.C.A. 1953, § 10-9a-511.

Sec. 21-2-22. Amortization of Nonconforming Uses.

In order to respond to exceptional or unusual circumstances involving the termination of nonconforming uses, the City Council may approve an amortization formula for the termination of such uses over a period of time to be agreed upon with the owner of the property, subject to reasonable regulations with respect to the continuation of the nonconforming use during the amortization period.

(LDC 2008, § 15A-02-22)

State law reference—Nonconforming uses, U.C.A. 1953, § 10-9a-511.

Sec. 21-2-23. Water Drainage.

Drainage shall not be allowed to flow onto adjoining lots unless an easement for such purpose has been granted by the owner of the lot on which the water flows.

(LDC 2008, § 15A-02-23; Ord. No. 16-33, 10-29-2016)

Sec. 21-2-24. Sandy City Standard Specifications and Details for Municipal Construction.

(a) *Adoption of Standard Specifications and Details.* The City Council, after receiving a recommendation from the Planning Commission, shall adopt, by ordinance, Standard Specifications and Details for Municipal Construction not inconsistent with the provisions of this title. The Standard Specifications and Details for Municipal Construction may be temporarily changed, altered or amended from time to time by the City Engineer as necessary, provided that such change, alteration or amendment does not materially:

- (1) Increase a land use applicant's cost of development compared to the existing specifications; or
- (2) Impact a land use applicant's use of land.

(b) *Adoption of Temporary Specifications.* The City Engineer shall present temporary changes, alterations and amendments of the Standard Specifications and Details for Municipal Construction to the Planning Commission and City Council for review, consideration and adoption on an annual basis. Adoption of such amendments shall comply with the requirements set forth in this title.

(c) *Notice and Hearing.* Notice and hearing requirements shall be the same as required for proposed land use regulations in accordance with this title and applicable state laws.

(d) *Compliance with the Standard Specifications and Details for Municipal Construction.* Compliance with the Standard Specifications and Details for Municipal Construction, as amended, shall be required as a condition of development approval, issuance of a building permit, and issuance of related permits and approvals.

(Ord. No. 18-01, § 1, 2-4-2018)

CHAPTER 21-3. OFFICERS, BOARDS AND COMMISSIONS

Sec. 21-3-1. Purpose.

This chapter sets forth the purpose, duties, organization, and powers of City boards, commissions, and other bodies charged in making decisions and recommendations under this title.

(LDC 2008, § 15A-03-01)

Sec. 21-3-2. Community Development Director.

The Community Development Director, hereinafter referred to as the "Director," in addition to duties described in Title 4, and elsewhere in this title, is charged with the responsibility of interpretation and enforcement of this title. Interpretation of this title includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this title, the delegation of processing procedures and requirements, and enforcement of title provisions. The specific duties of the Director shall include the following:

- (1) *Reviews and Decisions.* The Director shall be authorized to undertake reviews, recommendations and decisions as described in this title. The Director shall be governed by the standards and procedures as set forth in this title for the specific review, determination, or appeal which has been delegated to him.
- (2) *General Plan.* The Director shall assist the Planning Commission and City Council in the development and implementation of the General Plan for the physical and economic growth of Sandy City and shall prepare population and growth studies in support of the General Plan.
- (3) *Administrative Staff Assistance and Technical Advice.* The Director shall provide staff, including secretarial assistance, to the Planning Commission and Board of Adjustment. Staff assistance shall include attendance at regularly scheduled meetings and the preparation and publication of agendas. The Director shall act as technical advisor to the Mayor, City Council, other City departments upon request, and other committees and commissions as the Mayor may designate.
- (4) *Code Compliance Officer.* The Director is hereby designated and authorized as the officer charged with the enforcement of this title. He shall enforce all the provisions of this title, including court action, when necessary, and his failure to do so shall not legalize any violation of such provisions.
- (5) *Delegate Responsibility.* The Director may appoint authorized representatives to execute the responsibilities as described herein.

(LDC 2008, § 15A-03-02)

Sec. 21-3-3. Land Use Authorities.(a) *Planning Commission.*

(1) *Purpose.* The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in this title. This does not include policy making powers of the City that remain under the control of elected officials.

(2) *Creation and Membership.*

a. *Membership and Alternates.* There is hereby created a Planning Commission for Sandy City, Utah, to be known as the Sandy City Planning Commission. Said Commission shall consist of seven members and two alternates to be appointed by the Mayor, with the advice and consent of the City Council. The alternates shall attend all meetings, but shall not vote on Commission decisions unless serving in the place of a regular member. When an alternate is needed to fill the place of a regular member, the two alternate members shall rotate the responsibility. Funding for the Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.

b. *Terms for Members.* The terms of office for the members of the Planning Commission shall be four years, commencing at 12:00 noon on March 31 of the year in which the appointment is made. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity. Vacancies for the term of any member whose term is not complete shall be filled for the unexpired portion of the term in the manner provided for in this section. A member whose term has expired shall continue to serve until his successor has been appointed and approved. Members of the Planning Commission may be removed as established by the City's Administrative and Legislative Codes.

c. *Selection of Members.* Members of the Planning Commission shall be selected from residents of the City with experience in related fields, including planning, architecture, real estate, law, engineering, land development, contracting, or substantial community involvement. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.

(3) *Procedures.* The Planning Commission shall select a chairperson every six months from its membership and may adopt bylaws, policies, and procedures for the conduct of its meetings for the processing of applications, and any other purposes considered necessary for the functioning of the Commission. Four members of the Commission shall constitute a quorum for the conduct of Commission business, and no act of the Commission shall be effective unless at least four members concur in respect to it.

(4) *Powers and Duties.*

a. *Recommendations to the City Council.* The Planning Commission shall prepare and make a recommendation to the City Council for:

1. A General Plan and amendments to the General Plan.

2. Land use regulations.
 3. Subdivision regulations and amendments.
 4. An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application.
 5. An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority.
 6. Application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and processes that protect the right of each applicant and third party to require formal consideration of any application by a land use authority; the right of each applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and the right of each participant to be heard in each public hearing on a contested application.
 7. Annexation and zoning of property into the City.
 8. Vacation of an entire subdivision plat.
 9. Vacating, closing, or altering any portion of a street or alley.
 10. Other matters as established by the City Council.
- b. *Recommendation to Mayor.* The Planning Commission shall consider and provide a recommendation to the Mayor for:
1. Subdivision plats.
 2. Other matters as established by the City Council.
- c. *Reviews and Decisions.* The Planning Commission shall review and decide the following:
1. Conditional use permits.
 2. Expansion or alteration of a nonconforming structure or use after determination by the Director.
 3. Site plans delegated to it in this title or by the Director.
 4. Special exceptions delegated to it in this title or by the Director.
 5. Reasonable accommodation.
 6. Other matters as established by the City Council.
- d. *Special Exceptions.* The Planning Commission may review and decide special exceptions to the terms of this title, provided that such special exceptions on which the Planning Commission shall be authorized to pass shall be limited to the following:
1. Permit the building on a nonconforming lot, where it can be shown by the applicant that:
 - (i) The lot is legally nonconforming.

- (ii) The construction of a building upon the nonconforming lot will be in harmony with one or more of the purposes of this title as stated in Section 21-1-3 and shall be in keeping with the intent of this title.
 - (iii) The proposed building will not impose undue burden upon the lands located in the vicinity of the nonconforming lot.
- 2. Where a parcel of land was at least 1½ times as wide and 1½ times as large in area as required for a lot in the district at the time the ordinance from which this title is derived was adopted, permit the division of the parcel into two lots. The person requesting the special exception must show that the land in question qualifies for this exception.
- 3. Where a zone boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this title is derived, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- 4. Permit the installation of an electrical transmission line above ground, provided the Planning Commission finds that exposure to electrical magnetic fields and other risks and adverse impact to land value and aesthetics will be reasonably mitigated by prudent avoidances measures.
 - (i) The term "prudent avoidance" shall refer to those practices and standards which serve to minimize degradation of community aesthetics and real property values, and avoid exposure to electrical and magnetic fields and other public risks. Such practices and standards include, but are not limited to, purchasing additional rights-of-way, altering line configuration, selection of alternative routes, utilizing or enlarging capacity in existing substations or transmission facilities, undergrounding, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures such as residences, hospitals, churches, libraries, parks, child care centers, and schools.
 - (ii) The person or entity proposing to install transmission lines shall bear the burden of showing reasonable mitigation by prudent avoidance.
- 5. (i) Permit a structure which is attached to the dwelling structure ("attached structure") to extend into the required side yard setback, provided the owner/ applicant complies with the following:
 - A. Establishes that the attached structure existed at the time of the adoption of the ordinance from which this section is derived (May 21, 1996);
 - B. The attached structure complies with all other requirements of this title, the International Building Code (IBC), the International Fire Code (IFC), and other applicable City, state or federal laws;
 - C. The attached structure conforms and is aesthetically compatible with the design, color and materials of the dwelling structure to which it is attached;

- D. The current owner/applicant purchases a building permit which will provide that all appropriate inspections will be made; and
 - E. The current owner/applicant complies with all requirements, established pursuant to the inspections or by law, necessary to comply with the IBC, IFBC and other City, State or Federal laws.
- (ii) Extension of an attached structure into the side yard setback will be allowed on one side of the dwelling only. In order to obtain approval for an attached structure to extend into one side yard setback, all structures encroaching into the other side setback must be removed and the setback maintained free of obstructions (exclusive of fencing) for fire access into the rear of the dwelling.
 - (iii) After issuance of a permit for an attached structure hereunder, the dwelling structure may not be altered, enlarged, added to or moved unless and until the attached structure is removed and all structures on the property thereafter comply with the side yard setback regulations.
 - (iv) After issuance of a permit hereunder, the attached structure shall not be altered, enlarged, added to, moved or its use changed. If such enlargement, alteration, addition, movement or change of use occurs, the attached structure must be restored to the configuration and use upon which the permit was issued or it must be removed entirely.
 - (v) A photograph of the dwelling structure and its attached structure shall be submitted with the application for a special exception.
 - (vi) After approval of a special exception and issuance of a building permit and after inspections are made and all requirements complied with, the City will issue a Notice of Compliance which will set forth the conditions under which the approval and permit were issued. The Notice of Compliance must be filed with the County Recorder and proof of that filing must be submitted to the Department.
- 6. Before taking action on any special exception request, the Planning Commission shall review it at a public meeting. In the event that the Planning Commission decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.
- e. *Other Powers.* The Planning Commission may exercise any other powers:
 - 1. Necessary to enable it to perform the functions delegated to it in this Code; or
 - 2. As established by the City Council.
- (b) *Administrative Officer.* The Director is hereby designated to review and decide the following:
 - (1) Special exceptions as specifically set forth in this title, including those in the land use matrices.
 - (2) Applications for site plan review and approval as delegated in this title.
 - (3) Determination of the nonconforming status of a building, structure, or use.

- (4) Approval of a building permit for a nonconforming structure addition or alteration as allowed within this title.
 - (5) Routine and uncontested matters as delegated in this title.
 - (6) Property line adjustments.
 - (7) Other matters as established by the City Council.
- (LDC 2008, § 15A-03-03; Ord. No. 09-02, 1-26-2009; Ord. No. 10-41, 12-14-2010; Ord. No. 13-15, 6-11-2013; Ord. No. 17-10, exh. A(15A-03-03), 3-9-2017)

State law reference—Planning commissions, U.C.A. 1953, § 10-9a-301 et seq.

Sec. 21-3-4. Appeal Authorities.

(a) *Board of Adjustment.*

- (1) *Purpose.* In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
- (2) *Creation and Membership.* The Board of Adjustment shall consist of five regular members and two alternate members.
 - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
 - b. The Mayor shall appoint regular members of the Board of Adjustment to terms so that the term of one member expires each year. The Mayor shall appoint alternate members in such a manner that at least a 2½-year gap will exist between term expirations.
 - c. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
 - d. Alternate members are to serve in the absence of members of the Board of Adjustment upon request of the chairman. Alternate members are to attend all meetings of the Board of Adjustment. The chairman shall establish a service rotation system which provides that alternate members serve on the Board approximately the same amount.
 - e. Members of the Board of Adjustment may be removed as established by the City's Administrative and Legislative Codes.
 - f. Vacancy on the Board of Adjustment.
 - 1. The Mayor, with the advice and consent of the City Council, shall fill any vacancy.
 - 2. The person appointed shall serve for the unexpired term of the member or alternate member whose seat was vacated.
- (3) *Procedures.*
 - a. Organize and elect a chairperson.
 - b. Adopt rules that comply with all applicable state statutes and City ordinances.

- c. Meet at the call of the chair and at any other times that the Board of Adjustment determines.
 - d. Have the chairperson, or in the absence of the chairperson, the acting chair, administer oaths and compel the attendance of witnesses.
 - e. Conduct its meetings in compliance with the requirements of state statutes and City ordinances concerning the keeping of minutes, recording of votes, and absences.
 - f. Hear a request for a variance or appeal. Three members constitute a quorum of the Board of Adjustment and a concurring vote is necessary to grant a variance or to overturn a decision on an appeal.
 - g. Make decisions on scheduled agenda items. Decisions of the Board of Adjustment become effective at the meeting in which the decision is made unless a different time is designated in the Board's rules or at the time the decision is made.
- (4) *Powers and Duties.* The Board of Adjustment shall hear and decide:
- a. Requests for variances from the terms of the land use ordinance as specifically delegated to it by this title or referred to it by the Director.
 - b. Appeals from decisions applying to the land use ordinance, except those appeals specifically delegated in this title to be heard by an alternate appeal authority.
 - c. Other matters as established by the City Council.

(b) *Administrative Officer.* The Director is designated as an appeal authority for the purpose of reviewing and deciding:

- (1) Requests for minor variances.
- (2) Other matters as established by the City Council.

(c) *Hearing Officer.* A Hearing Officer, as appointed by the Mayor, is designated as an appeal authority for the purpose of reviewing and deciding requests for reasonable accommodations. (LDC 2008, § 15A-03-04; Ord. No. 16-15, 3-28-2016; Ord. No. 17-10, exh. A(15A-03-04), 3-9-2017; Ord. No. 17-14, exh. A(15A-03-04), 6-21-2017)

State law reference—Appeal authority and variances, U.C.A. 1953, § 10-9a-701 et seq.

CHAPTER 21-4. ZONE DISTRICTS*

Sec. 21-4-1. Purpose.

The City designates land use zone districts to promote compatibility between land uses, buildings and structures, efficient use of land, transportation options and accessibility, and crime prevention and safety. The districts classify, regulate, and restrict uses, as well as combine uses and encourage the

***State law reference**—Zoning districts authorized, U.C.A. 1953, § 10-9a-505.

location of compatible land uses close to one another. The district regulations provide development standards pertaining to the intensity of land uses and development, density, height, bulk of buildings and structures, area of yards, and other open areas between buildings and structures.

(LDC 2008, § 15A-04-01)

Sec. 21-4-2. Table of Minimum Areas for Establishment of Nonresidential Districts.

<i>District Classification</i>	<i>Minimum Area Required to Establish District</i>	<i>Special Conditions</i>
CBD District	1 acre	—
Automall District	1 acre	—
RC District	2 acres	Shall be adjacent to the State Street, Interstate 15, and 9000 South commercial corridors
CC District	5 acres	Shall be located on an arterial or major collector street, preferably at an intersection of such streets
CN District	3 acres	Shall be located on at least a major collector street and in a location that is conveniently accessible from its service area
CN(HSN) District	10 acres	Shall be located within or bordering the State Street, 9000 South, and 700 East commercial areas of the Historic Sandy Neighborhood
BC District	1 acre	Shall be limited to 700 East corridor from the northern City boundary to 9000 South. When an arterial or collector street, or portion thereof, is designated for BC District zoning, all commercial zoning for parcels that front on such street shall be BC. If a parcel has additional frontage on another street, the BC regulations shall apply
CvC District	2 acres	Shall be located on a minor collector or larger street
HBD District	1 acre	Shall be limited to the original square mile within the traditional business district area, as located on Main Street and Center Street
LC District	2 acres	—
PO District	1 acre	—
ID District	1 acre	—
TC (Transit Corridor) District	1 acre	—
RD District	1 acre	—
SD District	1 acre	—
MU District	—	—

(LDC 2008, § 15A-04-02)

Sec. 21-4-3. Residential Districts.

(a) *Agricultural.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
A-1	Residential/Agricultural District A-1

(b) *Single-Family Residential.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
R-1-40	Residential District R-1-40
R-1-30	Residential District R-1-30
R-1-20	Residential District R-1-20
R-1-15	Residential District R-1-15
R-1-12	Residential District R-1-12
R-1-10	Residential District R-1-10
R-1-9	Residential District R-1-9
R-1-8	Residential District R-1-8
R-1-8(INF)	Residential District R-1-8 Infill
R-1-7.5(HS)	Residential District R-1-7.5 Historic Sandy
R-1-6	Residential District R-1-6
MH	Mobile Home District

(c) *Single-Family Residential in a Planned Unit Development or Special Development District.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
PUD	Planned Unit Development PUD (density per acre)
RD	Research Development District
SD	See Chapter 21-19 for specific SD Zone

(d) *Multi-Family Residential.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
RM	Residential Multi-Family District
PUD	Planned Unit Development (density per acre)

(e) *Two-Family Residential.*

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
R-2-8	Two-Family Residential
R-2-10	Two-Family Residential

(LDC 2008, § 15A-04-03)

Sec. 21-4-4. Commercial Districts.

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
CBD	Commercial—Central Business District

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
CBD-P	Commercial—Central Business District—Parkway Subdistrict
CBD-O	Commercial—Central Business District—Office Subdistrict
CBD-A&C	Commercial—Central Business District—Arts and Culture Subdistrict
AM	Commercial—Automall
RC	Regional Commercial District
CR-PUD	Planned Unit Development—Commercial
CC	Planned Center—Community District
CN	Planned Center—Neighborhood District
CN(HSN)	Planned Center—Neighborhood District Historic Sandy Neighborhood
BC	Boulevard Commercial District
CvC	Planned Center—Convenience District
LC	Commercial—Limited Commercial District
SD	See Chapter 21-19 for specific SD Zones

(LDC 2008, § 15A-04-04)

Sec. 21-4-5. Mixed Use Districts.

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
MU	Mixed Use District
SD	See Chapter 21-19 for specific SD Zones

(LDC 2008, § 15A-04-05)

Sec. 21-4-6. Office/Industrial Districts.

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
PO	Professional Office District
CBD-O	Commercial—Central Business District—Office Subdistrict
ID	Industrial Development District
RD	Research Development District
SD	See Chapter 21-19 for specific SD Zones

(LDC 2008, § 15A-04-06; Ord. No. 18-15, 6-28-2018)

Sec. 21-4-7. Open Space/Institutional Districts.

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
IC	Institutional Care District
H	Hospital District
OS	Open Space District
SD	See Chapter 21-19 for specific SD Zones

(LDC 2008, § 15A-04-07)

Sec. 21-4-8. Overlay Districts.

<i>Abbreviated Designation</i>	<i>Zone District Name</i>
RCD	Residential Conservation Overlay District
SCD	Storefront Conservation Overlay District
HSD	Historic Sandy Development Overlay Zone
—	Sensitive Area Overlay Zone
—	Flood Plain Overlay Zone
—	Drinking Water Source Protection Overlay Zone
—	Historic Resources Overlay Zone
—	Sports and Recreation Overlay Zone

(LDC 2008, § 15A-04-08)

Sec. 21-4-9. Location and Boundaries of Districts.

The locations and boundaries of the zone districts are established as they are shown on the map entitled "Zoning Map, Sandy City, Utah." Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (1) *Roads, Streets, Highways, or Alleys.* Boundaries indicated as approximately following the centerlines of roads, streets, highways, or alleys shall be construed to follow such centerlines.
- (2) *Platted Lot Lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) *City Limits.* Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- (4) *Streams or Canals.* Boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines.
- (5) *Extensions and Distances.* Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(LDC 2008, § 15A-04-09)

Sec. 21-4-10. Boundary Interpretation.

Where physical or cultural features existing on the ground are different than shown on the Zoning Map, or in other circumstances not covered by Section 21-4-9(1) through (4), the Director shall interpret the district boundaries. Any appeal of boundary interpretation shall be made to the Board of Adjustment.

(LDC 2008, § 15A-04-10)

Sec. 21-4-11. Applicability of Zoning Districts.

The standard commercial, office, and industrial districts are defined as follows:

- (1) *Central Business District (CBD).* This district is established to stimulate economic development by providing a unique planning environment for large scale regional commercial, office devel-

opment, and mixed use development including residential adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within planned commercial centers which will serve the south valley area.

- a. *Central Business District—Parkway Subdistrict (CBD-P)*. This district is established as a subdistrict within the CBD District to encourage "main street" type development along the Centennial Parkway corridor between 10000 South and the ring road of the South Towne Mall. This district extends east and west of the Centennial Parkway right-of-way for approximately 100 feet.
 - b. *Central Business District—Office Subdistrict (CBD-O)*. This district is established as a subdistrict within the CBD District to encourage office, hotel, and regional governmental uses.
 - c. *Central Business District—Arts and Culture Subdistrict (CBD-A&C)*. This district is within the CBD Zone to create an environment wherein arts, entertainment and recreational uses may be integrated into mixed use developments using standards which are designed to be pedestrian friendly.
- (2) *Automall District*. This district is established to provide standards for the development of land parcels within the Automall Development Area Master Plan.
- a. *Dealership Subdistrict (AM-D)*. This subdistrict is established to provide standards for the development of land parcels within the Automall District—Dealership Subdistrict for car dealerships.
 - b. *Commercial Area Subdistrict (AM-C)*. This subdistrict is established to provide standards for the development of land parcels within the Automall District—Commercial Area Subdistrict for commercial uses (including car dealerships and other commercial uses).
- (3) *Regional Commercial District (RC)*. This district is established to stimulate economic development by allowing for a diversity of land uses in areas of the City that are accessible to regional transportation facilities and developed within planned commercial centers. This district is intended to stimulate creative development and site design for highway commercial uses.
- (4) *Regional Commercial—Planned Unit Development District (CR-PUD)*. This district is established to provide for an area of diverse but integrated commercial and industrial uses. Emphasis is placed on achieving an aesthetically attractive, functional area of wide-ranging commercial and industrial activity.
- (5) *Community Commercial District (CC)*. This district is established to allow for retail businesses and related uses to be grouped together into well-planned and well-designed planned commercial centers serving an area of one or more of Sandy planning quadrants and/or areas that may extend beyond Sandy City.
- (6) *Neighborhood Commercial District (CN)*. This district is established to allow for the creation of commercial centers to serve the convenience shopping and service needs of neighborhood areas of Sandy City within planned commercial centers. The Neighborhood Commercial District designation is intended for commercial developments that will relate to residential neighborhoods and will be compatible with residential character.

- (7) *Neighborhood Commercial—Historic Sandy Neighborhood District (CN(HSN))*. This district is established to provide a viable commercial zoning district for those commercial areas which border the Historic Sandy Neighborhood. The zone is created to provide the convenience shopping and service needs of the surrounding neighborhood area, while at the same time providing guidelines for development to recognize and maintain the neighborhood's unique characteristics.
- (8) *Historic Business District (HBD)*. This district is established to address the unique characteristics of the Main Street/Center Street historical commercial area and those properties that are associated, through location or character, with the historic Main Street/Center Street commercial area of Sandy City.
- (9) *Boulevard Commercial District (BC)*. This district is established to provide guidelines for the development of properties fronting on 700 East north of 9000 South. Regulations are intended to allow a selective variety of uses within planned commercial centers in a manner that will contribute to efficient traffic flow and architectural elements compatible with adjoining residential neighborhoods.
- (10) *Limited Commercial District (LC)*. This district is established for the development of well-designed planned commercial centers and professional office developments that complement each other and act as buffers to adjacent residential districts. It is intended that businesses in this zone will both enhance and blend into surrounding residential neighborhoods through creative architectural, development, and site designs.
- (11) *Convenience Commercial District (CvC)*. This district is established to allow for the development of well-designed storefront commercial centers, which are developments with clustered buildings oriented to the street (no parking in front setback), as opposed to stand-alone buildings. Transit oriented uses are highly encouraged.
- (12) *Professional Office District (PO)*. This district is established to provide an area for professional and business offices, non-retail services, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments adjacent to residential areas shall have a residential look to enhance compatibility. Developments adjacent to commercial zones shall act to buffer less dense residential developments or districts.
- (13) *Industrial District (ID)*. This district is established to provide for an area of diverse but integrated industrial and commercial uses. Emphasis is placed on achieving an aesthetically attractive, functional area of wide-ranging industrial and commercial activity.
- (14) *Mixed Use District (MU)*.
 - a. This district is established to provide a zone to be used near City transportation corridors that allows a mix of specific land uses that are typically found separately in mutually exclusive zoning districts. Mixed use represents a departure from characteristic zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible.

- b. The intent of these zones is to create self-sustaining villages that become walkable neighborhoods in which residents may walk to work, to shopping, to recreational facilities, and have access to mass transit. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They shall provide convenient pedestrian commercial services, employment opportunities and shall be located in areas with existing, or probable future, multiple transportation choices. Design standards include requirements that help provide a true neighborhood by stipulating various mix of uses, build to lines, compact building design, preservation of open space, pedestrian-friendly streets and streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above walkable elements are unacceptable and will not be approved.

(15) *Transit Corridor District (TC)*. This district is established to provide a means by which the Utah Transit Authority (or its successors) may develop and operate a public transportation system under consistent regulations. It is not the intent, nor the purpose of this zone to exempt the operators of the public transportation service from Federal or State regulatory requirements governing rail service or other public transit regulations.

- a. *Location*. The Transit Corridor District shall be located within the following described areas:
 - 1. The main line corridor right-of-way of the Provo Subdivision Line of Union Pacific Railroad Company (formerly Oregon Short Line Railroad) as said line extends in a southerly direction from 10600 South of Sandy City, Utah, M.P. 786.10 of said subdivision, to the south boundary line of Sandy City.
 - 2. The approximate 40 feet of the main line corridor right-of-way of the Provo Subdivision of Union Pacific Railroad Company (formerly the Denver and Rio Grande Western Railroad Company) as said line extends through Sandy City.
- b. *Previous Agreements, Permits and Approvals Remain in Effect*. All previous agreements, permits, conditional use permits and other approvals entered into between Sandy City and the Utah Transit Authority for activities occurring within the existing Transit Corridor remain in effect and shall be enforced.
- c. *Governing Regulatory Bodies for Transit Corridor*. The Utah Transit Authority or its successors are required to comply with all applicable regulations, requirements, laws, and obligations as specified by the following Federal and State agencies:

<i>Acronym</i>	<i>Agency Name</i>
FRA	Federal Railroad Administration
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
EPA	Environmental Protection Agency
UDEQ	Utah Department of Environmental Quality
UDOT	Utah Department of Transportation
WFRC	Wasatch Front Regional Council

<i>Acronym</i>	<i>Agency Name</i>
MAG	Mountainland Association of Governments

d. *Development of Public Transit.* The Utah Transit Authority or its successors shall be permitted to develop a public transit system within the Transit Corridor District consistent with the interlocal agreement. Development of a Public Transit System shall include the following activities:

1. **Public Transit System.** The term "system" means a surface public transportation facility that occupies a separate railroad right-of-way exclusively for public transportation or a shared railroad right-of-way with access rights for public transportation, including, by way of example, light rail, commuter rail, trolleys, guided bus ways, or similar technology for surface transportation purposes.
2. The term "system" includes all things necessary to construct and/or operate a public transportation facility within the Transit Corridor, including all rails, fastenings, switches, switch mechanisms and frogs with associated materials, ties, ballast, signals, and communications devices (and associated equipment), passenger facilities, platforms, drainage facilities, automatic warning devices, traction power substations, overhead catenary systems, bumpers, roadbed, embankments, bridges, trestles, culverts, or any other structures or things necessary for the support thereof and, if any portion thereof is located in a thoroughfare, the term "system" includes pavement, crossing planks and other similar materials or facilities used in lieu of pavement or other street surfacing materials at vehicular and pedestrian crossings of tracks, and any and all structures and facilities required by lawful authority in connection with the construction, renewal, maintenance and operation of any of the foregoing.
3. The term "system" does not include transportation facilities such as passenger terminals, park and ride facilities, maintenance facilities, or other auxiliary facilities, nor does the term "system" include development and use of facilities by the Utah Transit Authority within a corridor for purposes other than public transportation such as billboards, telecommunication towers, and signage, provided any regulation of such facilities would not interfere with the operation of the system.

(16) *Research and Development District (RD).*

- a. This district is established to provide locations for commerce, service, research and employment activities. Such locations and site improvements shall project a desirable appearance toward public streets and maintain compatibility with adjacent land uses.
- b. Except for limited accessory and ancillary uses, and planned developments for areas east of Interstate 15, the RD District provides for employment locations which are characterized by office and compatible research, corporate headquarters, and campus-like development with substantial visual amenities which can function in areas close to residential areas as well as other similar uses within the RD District.

- (17) *Special Development (SD)*. This district is established in order to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development.

(LDC 2008, § 15A-04-11)

CHAPTER 21-5. ENACTMENT OF OR AMENDMENT TO DEVELOPMENT CODE AND ZONING MAP

Sec. 21-5-1. Purpose.

The City Council may enact and amend land use ordinances and a Zoning Map consistent with the purposes set forth in this title, the General Plan and the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.). This chapter sets forth the procedure and responsibilities of the Planning Commission and City Council in making decisions relating to the amendment of this title and the Zoning Map.

(LDC 2008, § 15A-05-01)

Sec. 21-5-2. Amendments and Corrections to the Zoning Map and Development Code.

(a) *Amendments to the Zoning Map*. Amendments to the Zoning Map shall be made in accordance with the provisions of this chapter and the Utah Code. After the amendment has been approved by the City Council, the Zoning Map, reflecting such amendment, shall be forwarded, at least twice a year, to the City Recorder by the Director after he has modified the zone boundary lines as approved by the City Council and placing the date of revision thereon.

(b) *Corrections to the Zoning Map*. The Director may make corrections to the Zoning Map if it is determined that the original boundary line or other information was not properly transferred to the Zoning Map after review of the official record and ordinance adopting that boundary location. When making such a correction, the Director shall place the correct information on the Zoning Map and the date of revision thereon. The Director shall forward the corrected Zoning Map to the City Recorder, together with all supporting documentation.

(c) *Initiating Amendments and Corrections*. The Planning Commission, City Council, or the Director may initiate proposals for change or modification of any chapter or regulation of this title.

(d) *Application*. In addition, any person seeking an amendment of this title or the Zoning Map shall submit a written petition designating the change desired to the Director and shall include reasons wherein the proposed amendment would further promote the objectives and purposes of this title and the General Plan and shall include the required fee as required in the application form.

(LDC 2008, § 15A-05-02)

Sec. 21-5-3. Planning Commission and City Council Review.

(a) *Planning Commission*. The Planning Commission shall:

- (1) Recommend to the City Council a land use ordinance and Zoning Map or any amendment to either regulate the use and development of land within all or any part of the area of the City.

- (2) Hold a public hearing on a proposed land use ordinance or Zoning Map amendment.
 - (b) *City Council.* The City Council:
 - (1) May adopt or amend:
 - a. The number, shape, boundaries, or area of any zoning district;
 - b. Any regulation of or within the zoning district; or
 - c. Any other provision of this title.
 - (2) Shall consider at a public meeting each proposed amendment recommended to it by the Planning Commission and may adopt or reject the amendment either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.
- (LDC 2008, § 15A-05-03)

Sec. 21-5-4. Resubmission of Development Code and Zoning Map Amendment Request.

If an application for amendment is denied by the City Council, resubmission of an application for the same amendment shall not be allowed for a period of 12 months unless significant new facts or information are presented.

(LDC 2008, § 15A-05-04)

CHAPTER 21-6. GENERAL PLAN*

Sec. 21-6-1. Purpose and Scope.

The City shall prepare and adopt a comprehensive, long-range General Plan for the present and future needs of the City and for the general purpose of guiding and accomplishing coordinated, efficient and harmonious growth, and development of all or any part of the land within the City, including any areas outside of its boundaries, that, in the City's judgment, bear relation to the planning of the City. Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when considering territory outside the boundaries of the City, action may be taken only with the concurrence of the county or other municipalities affected. The General Plan may provide for:

- (1) Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics and recreational, educational, and cultural opportunities;
- (2) The reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (3) The efficient and economical use, conservation, and production of the supply of:
 - a. Food and water; and
 - b. Drainage sanitation and other facilities and resources;
- (4) The use of energy conservation and solar and renewable resources;
- (5) The protection of urban development;

*State law reference—General plan, U.C.A. 1953, § 10-9a-401 et seq.

- (6) The protection and promotion of housing, including moderate income housing;
 - (7) The protection and promotion of air quality;
 - (8) The protection of open space and natural areas;
 - (9) Historic preservation;
 - (10) Identification of uses of land that are likely to require an expansion or significant modification of services or facilities provided by affected entities;
 - (11) The protection and promotion of economic growth and development; and
 - (12) An Official Street Map.
- (LDC 2008, § 15A-06-01)

Sec. 21-6-2. Plan Elements.

The General Plan shall address and include at least the following:

- (1) *Goals and Policies Element.* This element describes the community's goals for its future and carries the goals through an analysis of the community to the policies and programs for goal implementation. Goals are the ultimate accomplishment towards which the City's actions should be directed. Policies are statements of the City's general intention and serve as a continuing guide to implementing goals.
- (2) *Growth, Community Identity, and Land Use Element.* This element designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the General Plan.
- (3) *Commercial/Industrial Element.* This element describes a hierarchy of commercial development levels that have been identified for Sandy City and have been generally assigned to geographic areas. This is a very broad classification system that can help provide adequate and accessible commercial services to maximize the compatibility of commercial and residential uses and to increase the employment opportunities within the City.
- (4) *Transportation and Traffic Circulation Element.* This element consists of the general location and extent of existing and proposed freeways, arterial and collector streets, bicycle and pedestrian ways, trails, mass transit, and any other modes of transportation that the Planning Commission and City Council considers appropriate, all correlated with the population projections and the proposed land use element of the General Plan.
- (5) *Housing Element.* This element includes goals and policies addressing the housing needs in the City. These needs include a variety of housing types and choices. The housing element not only addresses single-family subdivisions but also includes mixed use development, planned unit development, apartment complex development, or mobile home park development. Moderate income housing is also addressed and includes goals and policies to facilitate it.

- (6) *Environmental Hazards Element.* This element addresses the protection, conservation, development, and use of natural resources, including the quality of air, forest, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
- (7) *Public Services and Facilities Element.* This element shows general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services. It addresses the City's community facilities, schools, libraries, multipurpose centers, Federal facilities, health facilities, and financing of community facilities.
- (8) *Economic Element.* This element may be composed of appropriate studies and forecasts, as well as an Economic Development Plan, that may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.
- (9) *Parks, Recreation, and Trails Element.* This element covers a broad range of recreational and cultural activities that are important to the City's quality of life, including parks, recreation, open space, urban forestry, multi-use trails, arts and entertainment, and cultural resources. It reviews and summarizes key issues and policies addressed in detail in the General Plan.
- (10) *Official Street Map.* This map shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities, and provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the City or other government authorities time to purchase or otherwise reserve the land.
- (11) *Recommendations.* The General Plan may also contain recommendations for implementing all or any portion of the General Plan, including the use of land use ordinances, Capital Improvement Plan, economic and community development, redevelopment, promotion, and any other appropriate action.
- (12) *Other.* The General Plan may contain provisions addressing any other matters listed in the General Plan purpose and scope statement above.

(LDC 2008, § 15A-06-02)

State law reference—Required contents of development plan, U.C.A. 1953, § 10-9a-401.

Sec. 21-6-3. Preparation of the General Plan.

In preparing the General Plan, the City shall make careful and comprehensive surveys, research, and studies of the existing conditions and probable future growth of the City and its environs.

(LDC 2008, § 15A-06-03)

Sec. 21-6-4. General Plan Adoption.

(a) *Planning Commission.*

- (1) The Planning Commission shall provide notice, as provided in this title, of its intent to make a recommendation to the City Council for a General Plan or a comprehensive General Plan amendment when the Planning Commission initiates the process of preparing its recommendation.

- (2) After completing its recommendation for a proposed General Plan or amendment, the Planning Commission shall schedule and hold a public hearing on the proposed plan or amendment. The Planning Commission shall provide notice of the public hearing, as provided by this title.
 - (3) After the public hearing, the Planning Commission may modify the proposed General Plan or amendment.
 - (4) The Planning Commission shall forward its recommendation and the proposed General Plan or amendment to the City Council.
- (b) *City Council.*
- (1) The City Council shall consider the recommendation of the Planning Commission for a proposed General Plan or amendment at a public meeting after notice as provided by this title and may:
 - a. Make any revisions to the proposed General Plan or amendment that it considers appropriate.
 - b. Adopt or reject the proposed General Plan or amendment either as proposed by the Planning Commission or after making any revision that the City Council considers appropriate.
 - c. Provide suggestions to the Planning Commission for its consideration if the City Council rejects the proposed General Plan or amendment.

(LDC 2008, § 15A-06-04)

State law reference—Plan preparation, public hearing, etc., U.C.A. 1953, § 10-9a-404 et seq.

Sec. 21-6-5. Effect of the General Plan.

Except as provided in Section 21-6-6, the General Plan is an advisory guide for land use decisions.
(LDC 2008, § 15A-06-05)

Sec. 21-6-6. Public Uses to Conform to the General Plan.

After the City Council has adopted a General Plan, no street, park or other public way, ground, place, or space, no publicly-owned building or structure, and no public utility, whether publicly- or privately-owned, may be constructed or authorized until and unless it conforms to the current General Plan.
(LDC 2008, § 15A-06-06)

Sec. 21-6-7. Effect of the Official Street Map.

- (a) The City may adopt an Official Street Map.
- (b) The Official Street Map does not:
 - (1) Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances as set forth below; or
 - (2) Require the City to immediately acquire property it has designated for eventual use as a public street.

(c) This section does not prohibit the City from:

- (1) Recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with the State code concerning exactions.
- (2) Acquiring the property through purchase, gift, voluntary dedication, or eminent domain.
- (3) Requiring the dedication and improvement of a street if the street is found necessary by the City because of a proposed development and if the dedication and improvement are consistent with the State code concerning exactions.

(LDC 2008, § 15A-06-07)

State law reference—Effect of official maps, U.C.A. 1953, § 10-9a-407.

CHAPTER 21-7. LAND USES IN RESIDENTIAL DISTRICTS

Sec. 21-7-1. Purpose and Applicability.

(a) *Purpose.* The residential districts are designed to create neighborhoods ranging in densities from very low to moderately high. The differences in these densities and regulations are intended to support the varying lifestyles of the City's residents. The zoning districts provide for a range of residential habitation, including rural agricultural, single-family, multifamily, manufactured home, and combinations thereof. It also provides home occupations, schools, parks, and public services necessary for neighborhood living.

(b) *Applicability.* Residential zoning districts fall under four categories:

(1) *Single-Family Residential (SFR).*

R-1-6	R-1-7.5(HS)	R-1-8(INF)
R-1-8	R-1-9	R-1-10
R-1-12	R-1-15	R-1-20
R-1-30	R-1-40	SD(R)3.75
SD(Magna)(4.25)	SD(Magna)(3.75)	SD(R-1-8)(11800 S)
SD(R-1-10)(Hegessey)	SD(R-1-10)(Thomas)	SD (R2.0)
SD(R3.25)(Keller)	SD(PO/R)(Library)	SD(R-2-A)(Fluckiger)
SD(R-1-7)	SD(R-1-8)	SD(R-1-15)(Scandia)
SD(Smart Dairy)(R-1-7)	PUD—for single-family	SD(R-1-9)

(2) *Two-Family Residential (TFR).*

R-2-8	R-2-10
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(3) *Manufactured Home (MH).*

MH

(4) *Multi-Family Residential (MFR).*

PUD—for multifamily	RM—for multifamily	SD(Magna/PUD)
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(c) *Applicability of Other Title Chapters.* Uses permitted under this chapter shall conform to the development standards provided elsewhere in this title and to the application procedures for development as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted as a conditional use shall comply with the requirements for conditional use permits. (LDC 2008, § 15A-07-01)

Sec. 21-7-2. Permitted Land Use Matrix by the Residential Districts.

(a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City residential, civic or open space zones. The letters "P," "C," "S" or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within the title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Accessory apartments	C	C	C	C	C	C	C	C	C	C	C	C ¹	C ¹	N	N	C ¹ /N
Accessory structure (unless otherwise specified)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Alcohol or tobacco specialty store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (dining) liquor license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (equity) liquor license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (fraternal) liquor license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (social) liquor license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage hotel license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage manufacturing license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage off-premises beer retailer license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage on-premises banquet and catering license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage on-premises beer tavern license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

LAND DEVELOPMENT CODE

§ 21-7-2

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Alcoholic beverage on-premises recreational beer retailer license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage package agency	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage reception center license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage resort license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage restaurant beer-only license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage restaurant full service license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage restaurant limited license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage single event permits	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴
Alcoholic beverage state liquor store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage temporary beer permits	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴
All-Terrain vehicles (ATV) sales and service	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alternative healing and energy healing business	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³	N ¹³
Alzheimer's facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Ambulatory surgical facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Ancillary commercial as part of a mixed use building	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Animal hospital, veterinary office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Animal kennel, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Animals (household pets or farm)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Aquarium	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Arcade	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Art gallery	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Assisted living facility—large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Assisted living facility—limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Auto, light trucks, RV dealerships (new)—sales and service agencies	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Auto, light trucks, RV dealerships (used)—sales and service agencies	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Auto, light trucks, RV, rental and leasing agencies	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automotive self-service station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automotive service and repair—major	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automotive service and repair—minor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automotive service station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automotive service station, non-mechanical	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Auto, truck, RV, equipment storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bed and breakfast facility	C	C	C	C	C	C	C	C	C	C	N	N	N	C	N	C
Birthing center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Botanical gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Business or financial services	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	C ²	N ²	N ²
Car wash	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cemetery, columbarium, mausoleum	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N	N
Commercial, heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Commercial, parking	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Commercial repair services	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Commercial retail sales and services	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Commercial, specialty	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

LAND DEVELOPMENT CODE

§ 21-7-2

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Commercial uses of a complementary nature which are shown to be compatible and necessary for the development project in a residential PUD project	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Community center	N	N	N	N	N	N	N	N	N	C ¹²	N	N	N	N	N	N
Community correctional facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Comprehensive mental health treatment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Congregate care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Crematory, embalming facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dance hall	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Day care, adult	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Day care, child	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Day care, elderly	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Day care, group	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, duplex	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	C
Dwelling, earth sheltered	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	S
Dwelling, group planned	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	C
Dwelling, multiple unit	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C
Dwelling, single-family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Earth station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Educational facility with housing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Equestrian facilities	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
Equipment sales and services	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Exposition/convention center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Extended living areas	S	S	S	S	S	S	S	S	S	S	S	N	N	N	N	S ³ /N
Fraternity or sorority house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Garage sales (residential)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Guest house	S	S	S	N	N	N	N	N	N	N	N	N	N	N	N	S ⁴ /N
Half-pipe ramps	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N	C
Home health agency	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Homeless shelter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Home occupation, Category I	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Home occupation Category II	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Hospice	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industry, heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industry, light	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Industry, medium	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Jail	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Juvenile detention facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Juvenile secure facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Library	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufactured homes	S	S	S	S	S	S	S	S	S	S	S	S	S	N	P	S ³ /N
Manufactured/mobile home park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C
Medical and health care offices	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Mixed use development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mobile homes	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Model home	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Modular home	S	S	S	S	S	S	S	S	S	S	S	S	S	N	P	S ³ /N
Mortuary, funeral home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Multifamily, 8 U/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Non-depository institutions	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Nursing care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Park and ride facilities	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸
Parking, structure/terrace	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Parking, underground	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C
Parks, public and private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Permanent make-up	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Planned unit development	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C

LAND DEVELOPMENT CODE

§ 21-7-2

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Plant nursery	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Prison	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Professional offices	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Protective housing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Public plaza	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public service	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶
Public utility station	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹
Recreation center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreation, indoor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreation, outdoor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Recycling materials collection/drop-off facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Religious or cultural activity	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Research and development facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential health care facility, residential care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential short-term rental (STR)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Restaurant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Restaurant, drive-up window	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Satellite dish (ground/roof mount)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
School, commercial (low-impact)	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N	N ⁹
School, private or quasi-public	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹	N ⁹
School, public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

<i>Land Use Category</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>	<i>RM</i>	<i>MH</i>	<i>PUD</i>
Secondhand merchandise dealer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Sexually oriented business, (escort agencies, outcall service agencies and semi-nude dancing agencies)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Sheltered workshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Skatepark	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Small health care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Social detoxification facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Social or reception center, fraternal organizations	C ¹⁰	C ¹⁰	C ¹⁰	N	N	N	N	N	N	N	N	N	N	N	N	N
Solar equipment	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solid waste conversion facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Stadium	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Storage (mini-storage) facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Street vendors	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tattoo parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Theater	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Trade or vocational school	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Transitional care development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Twin home	N	N	N	N	N	N	N	N	N	N	N	P	P	C	N	C
Warehouse, wholesale	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Waste transfer station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wind energy conversion system	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Wireless telecommunication facility	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷	S ⁷
Zero lot line development	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	
Zoological gardens	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

(c) *Explanatory Notes for Land Use Matrix.*

1. Permitted as a conditional use only within detached single-family developments.
2. This land use may be allowed only as a home occupation subject to the home occupations standards and qualifications.
3. Permitted as a special use only within detached single-family developments.
4. Permitted as a special use only within detached single-family development with a minimum lot size of 20,000 square feet or larger.
5. Reviewed as a special exception by the Director.
6. Public service uses with maintenance facilities shall not be allowed in residential districts.
7. Must follow Sandy City business license regulations.
8. Park and ride facilities shall be developed according to commercial standards relating to landscaping, screening, at boundaries of residential districts, parking standards, and signs. All site plans shall be reviewed by the Planning Commission. Minimum building setbacks shall be as follows:
 - a. Front: 39 feet from back of curb from all property lines adjacent to public rights-of-way;
 - b. Side: ten feet from all side property lines;
 - c. Rear: 20 feet from all property lines;
 - d. Adjacent to residential developments: 30 feet from all residential property lines.
9. May be allowed as a home occupation subject to the Home Occupation Standards and Qualifications. A conditional use permit would be required if a commercial school, low-impact, complies with the regulations established for such use.
10. Any social or reception center built within a residential zone must be on a lot with at least 20,000 square feet and be accessed via a designated minor arterial road. Social or reception centers shall be developed according to commercial standards relating to landscaping, parking standards, and signs. All site plans shall be reviewed by the Planning Commission.
11. The requirements of this title as to minimum lot area, minimum setbacks, fence height, and landscaping shall be determined by the Planning Commission for a public utility station during a conditional use and site plan review. The Planning Commission shall not amend the requirements of the underlying zone unless the evidence presented is such as to establish that the amendment will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
12. The requirements of this title as to minimum lot area, minimum setbacks, fence height, and landscaping shall be determined by the Planning Commission for a community center during a conditional use and site plan review.
13. An alternative healing and energy healing business must meet the following:
 - a. All Home Occupation Standards and Qualifications.

- b. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
 - c. Neither clients nor practitioner shall appear on the premises in a state of nudity or semi-nudity, as defined in Chapter 16-2.
 - d. The premises shall not be used for any conduct that violates U.C.A. 1953, § 58-47b-501 or sexual conduct that violates Utah Criminal Code (U.C.A. 1953, § 76-1-101 et seq.).
14. Allowed only when associated with a church that is conducting a civic or community enterprise or convention.
- (LDC 2008, § 15A-07-02; Ord. No. 09-10, 4-24-2009; Ord. No. 09-35, 12-7-2009; Ord. No. 10-24, 7-12-2010; Ord. No. 10-32, 9-2-2010; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 15-05, 3-23-2015; Ord. No. 15-25, 7-21-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 16-35, 10-20-2016; Ord. No. 17-09, 3-9-2017; Ord. No. 18-21, § 1(15A-07-02), 8-30-2018)

CHAPTER 21-8. LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS

Sec. 21-8-1. Purpose and Applicability.

- (a) *Purpose.* The commercial districts land use standards are intended to:
 - (1) Allow a mixture of complementary land uses that may include retail, offices, commercial services, civic uses, and housing to create economic and social vitality, and to encourage the linking of trips; and
 - (2) Develop commercial areas that encourage walking as an alternative to driving and provide employment and housing options.
 - (b) *Applicability.* Uses permitted under this chapter shall conform to the development standards provided elsewhere in this title, and to the application procedures for development as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted as a conditional use shall comply with the requirements for conditional use permits.
- (LDC 2008, § 15A-08-01)

Sec. 21-8-2. Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.

(a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

Land Use Category	CBD	CBD-P	CBD-O	CBD-A&C	CR-PUD	RC	BC	CC	CN	CvC	CN(HSN)	HBD	LC	PO	ID	AM (Dealerships)	AM (Commercial)	MU	TC	RD
Accessory apartments	N	N	N	N	N	N	C ¹ /N	N	N	N	N	N	N	N	N	N	N	C ¹ /N	N	N
Accessory structure (unless otherwise specified)	N	N	N	N	N	N	C ¹	N	N	N	N	N	N	N	N	N	N	C ¹	N	N
Agriculture	P	P	P	N	P	P	P	P	P	P	P	P	P	N	N	N	N	P	N	N
Alcohol or tobacco specialty store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P ¹⁰	N	N	N	N	N
Alcoholic beverage club (dining) liquor license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage club (equity) liquor license*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (fraternal) liquor license*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage club (social) liquor license*	P ²¹ & ²²	P ²¹ & ²²	P ²¹ & ²²	P ²¹ & ²²	N	P ²¹ & ²²	N	N	N	N	N	N	N	N	N	N	P ²¹ & ²²	P ²¹ & ²²	N	N
Alcoholic beverage hotel license	P	P	P	P	P	P	N	C	N	N	P	N	N	N	N	N	P	C	N	C
Alcoholic beverage manufacturing license	P ²¹ & ²²	P ²¹ & ²²	P ²¹ & ²²	P ²¹ & ²²	N	P ²¹ & ²²	N	N	N	N	N	N	N	N	P ²³	N	P ²¹ & ²²	P ²¹ & ²²	N	N
Alcoholic beverage off-premises beer retailer license	P	P	P	P	P	P	P	P/C	C	P	P	C	P/C	N	P	N	P	P	N	P
Alcoholic beverage on-premises banquet and catering license	P	P	P	P	P	P	P	P	C	C	C	C	P	C	C	N	P	C	N	C
Alcoholic beverage on-premises beer tavern license	P ²¹ & ²²	P ²¹ & ²²	P ²¹ & ²²	P ²¹ & ²²	N	P ²¹ & ²²	N	N	N	N	N	N	N	N	N	N	P ²¹ & ²²	P ²¹ & ²²	N	N
Alcoholic beverage on-premises recreational beer retailer license	P	C	C	P	P	P	P/C	P/C	P/C	N	N	C	P/C	N	C	N	P	C	N	N
Alcoholic beverage package agency	P	P	P	P	P	P	N	N	N	N	N	N	N	N	P	N	P	P	N	N

<i>Land Use Category</i>	<i>CBD</i>	<i>CBD-P</i>	<i>CBD-O</i>	<i>CBD-A&C</i>	<i>CR-PUD</i>	<i>RC</i>	<i>BC</i>	<i>CC</i>	<i>CN</i>	<i>C^{VC}</i>	<i>CN(HSN)</i>	<i>HBD</i>	<i>LC</i>	<i>PO</i>	<i>ID</i>	<i>AM (Dealerships)</i>	<i>AM (Commercial)</i>	<i>MU</i>	<i>TC</i>	<i>RD</i>
Alcoholic beverage reception center license	P	C	N	P	P	P	P	P	P	N	P	P	C	P	P	N	P	C	N	N
Alcoholic beverage resort license	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage restaurant beer-only license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage restaurant full service license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage restaurant limited service license*	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	N	P	P	N	P
Alcoholic beverage single event permits	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Alcoholic beverage state liquor store	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	C	C	N	N
Alcoholic beverage temporary beer event permits	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
All-terrain vehicles (ATV) sales and service	N	N	N	N	P	P	N	N	N	N	N	N	N	N	P	C	N	N	N	N
Alternative healing and energy healing business	P ²⁰	P ²⁰	N	P ²⁰	P ²⁰	P ²⁰	C ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	C ²⁰	C ²⁰	N	P ²⁰	N	P ²⁰	P ²⁰	N	P ²⁰
Alzheimer's facility	N	N	N	N	N	N	C	N	N	C	C	N	N	N	N	N	N	C	N	N
Ambulatory surgical facility	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N
Ancillary commercial as part of a mixed use building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	N	C
Animal hospital, veterinary office	C	N	N	N	P	P	P	P	P	N	P	P	P	C ¹¹	P	N	P	C	N	N
Animal kennel, commercial	C	N	N	N	C	C	C	P/C	P/C	N	N	N	C	N	P/C	N	N	N	N	N
Animals (household pets or farm)	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	S	N	N
Aquarium	P	C	N	P	P	P	C	P	P	N	N	N	N	N	P	N	N	P	N	N
Arcade	C	N	N	C	P	P/C	C/N	P/C	C/N	N	N	N	N	N	N	C	P	C	N	N

Land Use Category	CBD	CBD-P	CBD-O	CBD-A&C	CR-PUD	RC	BC	CC	CN	C ^{4C}	CN(HSN)	HBD	LC	PO	ID	AM (Dealerships)	AM (Commercial)	MU	TC	RD
Art gallery	P	C	C	P	P	P	C	P	P	N	P	P	C	C	P	N	N	P	N	C
Assisted living facility—large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	N	P/C	P/C	C	N	P/C	N	C	N	N	N	N	C	N	N
Assisted living facility—limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Auto, light trucks, RV dealerships (new)—sales and service agencies	N	N	N	N	C	C	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Auto, light trucks, RV dealerships (used)—sales and service agencies	N	N	N	N	P ¹⁵	C	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Auto, light trucks, RV rental and leasing agencies	C ¹²	N	N	N	C	C	C	N	N	N	N	N	N	N	N	C	C	N	N	N
Automotive self-service station	C ⁹	N	N	N	P	P/C	C	P/C	P/C ¹⁸	C	C ²	N	N	N	N	C	P	C	N	N
Automotive service and repair—major	N	N	N	N	P	P/N	N	N	N	N	N	N	N	N	P	P/C	P/C	N	N	N
Automotive service and repair—minor	N	N	N	N	P	P/C	C	C	C	N	C ²	N	N	N	P	P/C	P/C	N	N	N
Automotive service station, non-mechanical	C ¹²	N	N	N	P	P/C	C	C	C	N	C ²	N	N	N	P	P/C	P/C	N	N	N
Automotive service station	N	N	N	N	P	P/C	C	P/C	P/C ¹⁸	C	C ²	N	N	N	P	C	P	C	N	N
Auto, truck, RV, equipment storage	N	N	N	N	C	C/N	N	N	N	N	N	N	N	N	C/N	N	N	N	N	N
Bed and breakfast facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Birthing center	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N

<i>Land Use Category</i>	<i>CBD</i>	<i>CBD-P</i>	<i>CBD-O</i>	<i>CBD-A&C</i>	<i>CR-PUD</i>	<i>RC</i>	<i>BC</i>	<i>CC</i>	<i>CN</i>	<i>CVC</i>	<i>CN(HSN)</i>	<i>HBD</i>	<i>LC</i>	<i>PO</i>	<i>ID</i>	<i>AM (Dealerships)</i>	<i>AM (Commercial)</i>	<i>MU</i>	<i>TC</i>	<i>RD</i>	
Boarding house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Botanical gardens	P	P	P	P	P	P	P	P	P	N	P	C	C	P	P	N	N	P	N	P	P
Business or financial services	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	C	C	P	N	P	P
Car wash	C	N	N	N	C	C	C	C	C	N	N	N	N	N	P	C	C	N	N	N	N
Cemetery, columbarium, mausoleum	C	N	N	N	N	N	N	N	N	N	N	N	C	N	P	N	N	C	N	N	N
Commercial, heavy	N	N	N	N	P	C/N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N
Commercial, parking	C	C	C	C	P	P/C	N	C	N	N	N	N	N	N	N	C	P	P	N	P	P
Commercial repair services	C	N	N	N	P	P	P	P	P	C	P	N	N	N	P	N	N	C	N	N	N
Commercial retail sales and services	P	P	N	P	P	P	C	P	P	P	P	C	C	N	P	N	P	P	N	C	C
Commercial, specialty	N	N	N	P	C	C	C	C	C	N	N	N	N	N	N	N	N	P	N	N	N
Commercial uses of a complementary nature which are shown to be compatible and necessary for the development project	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Community center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Community correctional facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Comprehensive mental health treatment	C	N	N	N	C	C	C	N	N	N	N	N	C	N	N	N	N	C	N	N	N
Congregate care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Crematory, embalming facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dance hall	N	N	N	C	C	C/N	N	N	N	N	N	N	N	N	C	N	N	C	N	N	N
Day care, adult	C	N	N	C	P	P/C	P/C	P/C	P/C	N	P/C	P/C	P/C	C	P	N	N	P	N	P	P
Day care, child	C	N	N	C	P	P/C	P/C	P/C	P/C	N	P/C	P/C	P/C	C	P	N	N	P	N	P	P
Day care, elderly	C	N	N	C	P	P/C	P/C	P/C	P/C	N	P/C	P/C	P/C	C	P	N	N	P	N	P	P

LAND DEVELOPMENT CODE

§ 21-8-2

<i>Land Use Category</i>	<i>CBD</i>	<i>CBD-P</i>	<i>CBD-O</i>	<i>CBD-A&C</i>	<i>CR-PUD</i>	<i>RC</i>	<i>BC</i>	<i>CC</i>	<i>CN</i>	<i>CvC</i>	<i>CN(HSN)</i>	<i>HBD</i>	<i>LC</i>	<i>PO</i>	<i>ID</i>	<i>AM (Dealerships)</i>	<i>AM (Commercial)</i>	<i>MU</i>	<i>TC</i>	<i>RD</i>
Day care, group	C	N	N	C	P	P/C	P/C	P/C	P/C	N	P/C	P/C	P/C	C	P	N	N	P	N	P
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	C	N	N	C	P	P	C	P	P	N	N	N	N	C	P	N	P	N	N	N
Dwelling, duplex	N	N	N	N	N	N	C ¹⁶	N	N	N	N	N	N	N	N	N	N	C	N	N
Dwelling, earth sheltered	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N
Dwelling, group planned	N	N	N	N	N	N	C	N	N	N	N	N	C	N	N	N	N	N	N	N
Dwelling, multiple unit	N	N	C	C	N	N	C ¹⁶	N	N	N	N	N	N	N	N	N	N	P	N	N
Dwelling, single-family	N	N	N	N	N	N	C ¹⁶	N	N	N	N	N	N	N	N	N	N	P	N	N
Earth station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Educational facility with housing	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C
Equestrian facilities	N	N	N	N	C	C	N	C	N	N	N	N	N	N	C	N	N	C	N	N
Equipment sales and services	N	N	N	N	P	P	P	P	N	N	C	C	C	N	P	C	C	N	N	N
Exposition/convention center	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Extended living areas	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	P	N	N
Fraternity or sorority house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Garage sales (residential)	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	S	N	N
Guest house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Half-pipe ramps	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Home health agency	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N
Homeless shelter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Home occupation, Category I	N	N	N	P	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N
Home occupation, Category II	N	N	N	C	N	N	C	N	N	N	N	N	N	N	N	N	N	C	N	N
Hospice	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N

<i>Land Use Category</i>	<i>CBD</i>	<i>CBD-P</i>	<i>CBD-O</i>	<i>CBD-A&C</i>	<i>CR-PUD</i>	<i>RC</i>	<i>BC</i>	<i>CC</i>	<i>CN</i>	<i>C^{4C}</i>	<i>CN(HSN)</i>	<i>HBD</i>	<i>LC</i>	<i>PO</i>	<i>ID</i>	<i>AM (Dealerships)</i>	<i>AM (Commercial)</i>	<i>MU</i>	<i>TC</i>	<i>RD</i>
Hotel	P	P	P	P	P	P/C	N	C	N	N	P	N	N	N	N	Z	P	C	N	C
Industry, heavy	N	N	N	N	N	N	N	P ¹⁹ / C ¹⁹	N	N	N	N	N	N	N	Z	Z	N	Z	Z
Industry, light	C	N	N	N	P	P/C	N	P ¹⁹ / C ¹⁹	P ¹⁹ / C ¹⁹	N	N	C	N	N	P	Z	Z	Z	Z	P
Industry, medium	N	N	N	N	P	P/C	N	N	N	N	N	C	N	N	P	Z	Z	Z	Z	C
Jail	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	Z	Z
Juvenile detention facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	Z	Z
Juvenile secure facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	Z	Z
Library	P	P	P	P	P	P	C	P	N	N	N	N	N	C	Z	Z	Z	P	Z	Z
Manufactured homes	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	Z	Z	Z
Manufactured/mobile home park	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	Z	Z	Z
Medical and health care offices	P	P	P	P	P	P	P	P	P	C	P	C	P	P	P	C	P	P	N	P
Mixed use development	C	C	C	P	C	C	C	C	C	N	P	C	C	N	N	Z	N	P	Z	C
Mobile homes	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	N	Z	N
Model home	N	N	N	S	N	N	S	N	N	N	N	N	N	Z	Z	Z	Z	S	Z	N
Modular home	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	Z	Z	Z	Z
Mortuary, funeral home	P	N	N	N	P	P	P	N	N	N	N	N	P	N	Z	Z	Z	C	N	N
Motel	N	N	N	N	P	P/C	N	C	N	N	P	N	N	N	Z	Z	P	N	N	C
Multifamily, 8 U/A	N	N	N	N	N	N	C ¹⁶	N	N	N	N	N	N	N	Z	Z	Z	N	N	N
Non-depository institutions	C	N	N	N	C	C	C	C	C	N	N	N	N	N	C	C	C	N	N	N
Nursing care facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	C	Z	Z
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Z	Z	Z	C	Z	Z
Park and ride facilities	C/N	N	C/N	C	P	P/C	C	C	C	C/N	C/N	N	P/C	C	C	N	N	C/N	N	C

LAND DEVELOPMENT CODE

§ 21-8-2

<i>Land Use Category</i>	<i>CBD</i>	<i>CBD-P</i>	<i>CBD-O</i>	<i>CBD-A&C</i>	<i>CR-PUD</i>	<i>RC</i>	<i>BC</i>	<i>CC</i>	<i>CN</i>	<i>CvC</i>	<i>CN(HSN)</i>	<i>HBD</i>	<i>LC</i>	<i>PO</i>	<i>ID</i>	<i>AM (Dealerships)</i>	<i>AM (Commercial)</i>	<i>MU</i>	<i>TC</i>	<i>RD</i>
Parking, structure/terrace	P	P	P	P	P	P/C	N	C	C	N	N	N	N	N	P	C	P	P	N	P
Parking, underground	P	P	P	P	P	P/C	N	C	C	N	N	N	N	N	P	C	P	P	N	P
Parks, public and private	P	P	P	P	P	P	P	P	P	C	P	C	C	P	P	N	N	P	P	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Permanent make-up	P	N	N	N	P	P	P	P	P	P	P	N	P	N	N	N	N	P	N	N
Planned unit development	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	C	N	C ⁵
Plant nursery	N	N	N	N	P	P/C	P/C	C	C	N	P/C	N	P/C	N	N	N	N	C	N	N
Prison	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Professional office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	N	P
Protective housing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Public plaza	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	P	P	P
Public service	P	P	P	P	P	P	P	P	P	N	P	P	P	P	P	C	P	P	N	P
Public utility station	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	P ¹⁴	P ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	N	N	C ¹⁴	C ¹⁴	P ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	N	C ¹⁴
Recreation center	P	C	C	P	P	P	P/C	P/C	P/C	N	N	C	P/C	N	C	N	P	C	N	N
Recreation, indoor	P	P	C	P	P	P	P	P	P	N	P	C	P	N	C	N	P	C	N	N
Recreation, outdoor	C	C	N	P	P	P/C	N	N	N	N	N	N	P/C	N	C	N	P	C	N	N
Recycling materials collection/drop-off facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Religious or cultural activity	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷
Research and development facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	P
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	C	C	C	C	C	N	C	N	C	N	N	N	N	C	N	N

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Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	C	C	C	C	C	N	C	N	C	N	N	N	N	C	N	N
Residential health care facility, residential care facility	N	N	N	N	C	C	C	C	C	N	N	N	C	N	N	N	N	C	N	N
Residential short-term rental (STR)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Restaurant	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	N	P	P	N	P
Restaurant, drive-up window	C	N	N	N	C	C/N ³	C/N ³	P/C ³	C/N ³	N	C/N ³	N	N	N	P/C ³	N	C	N	N	N
Satellite dish (ground or roof mount)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	S
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
School, commercial	P	C	C	P	P	P	P	P	P	N	P	P	P	N	P	C	P	C	N	P
School, commercial (low-impact)	P ¹⁷	C ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	N	P ¹⁷
School, private or quasi-public	C	C	C	C	C	C	C	C	C	N	N	N	C	C	N	C	C	C	N	C
School, public	C	C	C	C	C	C	C	C	C	N	N	N	C	C	N	C	C	C	N	C
Secondhand merchandise dealer	P ¹³	P ¹³	N	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	C ¹³	C ¹³	N	P ¹³	N	P ¹³	P ¹³	N	C ¹³
Sexually oriented business, escort agencies, outcall service agencies and semi-nude dancing agencies	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P ⁶	N	N	N	N	N
Sheltered workshop	P	C	C	N	P	P	P	P	P	N	P	N	P	C	P	N	N	N	N	N
Skatepark	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Small health care facility	N	N	N	N	N	N	P/C	P/C	C	N	P/C	N	C	N	N	N	N	C	N	N
Social detoxification facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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Social or reception center, fraternal organizations	P	C	N	P	P	P	P	P	P	N	P	C	C	P	C	N	P	C	N	N
Solar equipment	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solid waste conversion facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Stadium	C	N	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Storage (mini-storage) facilities	N	N	N	N	P	P/C	C	C	N/C ⁷	N	N	N	C	N	P	N	N	N	N	N
Street vendors	S	S	S	S	N	S	N	N	N	N	N	S	N	N	N	N	N	S	N	N
Tattoo parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Theater	P	P	C	P	P	P/C	P/C	P/C	C/N	N	C	C	N	N	N	N	P	C	N	N
Trade or vocational school	P	N	N	N	P	P	N	P	P	N	N	N	N	N	P	N	N	N	N	P
Transitional care development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	C	N	N	N	C	C	C	C	N	N	C	N	C	N	N	N	N	N	N	N
Twin home	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	P	N	N
Warehouse, wholesale	N	N	N	N	P	P/C	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Waste transfer station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Wind energy conversion system	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Wireless telecommunication facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Zero lot line development	N	N	N	P	N	N	C	N	N	N	N	N	N	N	N	N	N	P	N	N
Zoological gardens	N	N	N	N	P	P	N	N	N	N	N	N	N	N	P	N	N	P	N	N

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.

- (2) Lighting of the building at the entrance.
- (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(c) *Explanatory Notes for Land Use Matrix.*

1. Single-family residential developments only.
2. The use is only permitted as a conditional use along the west side of State Street in the CN(HSN) Zone.
3. The use is not permitted if any part of the proposed/existing building containing the use is within 100 feet of a dwelling or probable location of a dwelling on existing residentially zoned property.
4. The use is not permitted if any part of the proposed/existing building containing the use is within 500 feet from an agricultural or residential use or residential zoning boundary.
5. Planned unit development permitted at a density of 12 units per acre (east of 700 East only).
6. This use is not permitted if any part of the proposed/existing building containing the use is within 1,000 feet from any school, public park, library, or religious or cultural activity; within 500 feet of any other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency; within 600 feet from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use; within 150 feet of the 9000 South Street gateway, the distance shall be measured from right-of-way boundary; and no property within 800 feet of the Interstate 15 freeway right-of-way boundary. This includes an entire parcel of property, any portion of which is within 800 feet of the Interstate.
7. Storage (mini-storage) facilities only permitted as a conditional use in the CN Zone for areas south of 9600 South and north of 10000 South, and east of 700 East and west of 1300 East. Use is not permitted in all other areas of the CN Zone. Facility storage may not be used to conduct commercial business on site. A mini-storage facility may include a caretaker's residence and areas for the outdoor storage of recreational vehicles (RVs) within a mini-storage building project according to the following restrictions and standards:
 - a. Outdoor storage areas are for recreational vehicle storage only (e.g., boats, campers, trailers, jet skis, snowmobiles, automobiles).
 - b. Outdoor vehicle storage areas shall be located only at the rear of the project where vehicles will not be visible from any public streets.
 - c. Outdoor vehicle storage areas shall be designed so as not to block any driveways, access ways, or parking aisles within the project.
 - d. Outdoor vehicle storage areas must be surrounded by a six-foot-high masonry wall on the exterior boundaries of the mini-storage project.
8. Must follow Sandy City business license regulations.
9. In the CBD District, gasoline dispensing sales are only allowed as an ancillary use and shall not include additional services or products with the operation of this use other than those products or services that are associated with the primary use of the property. To qualify for the ancillary use, sales receipts generated by gasoline dispensing shall not exceed more than ten percent of the total sales volume of the primary use of the property. The sales and dispensing of gasoline shall be in compliance with all Federal, State and local laws governing such activity.

10. This use is not permitted if any part of the proposed/existing building containing the use is within:
 - a. One thousand 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). 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.
 - b. Six hundred 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. 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.
 - c. One hundred fifty 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 in a straight line from the right-of-way boundary to the property line of the alcohol or tobacco specialty store.
11. The use is only permitted as a conditional use as long as the entire operation is contained within a stand-alone single tenant office building.
12. The use is only permitted as a conditional use south of 11000 South and east of State Street in the CBD Zone.
13. This land use is only allowed as an ancillary use with a fine jewelry store, non-depository institutions, or a pawnshop.
14. The requirements of this title as to minimum lot area, minimum setbacks, fence height, and landscaping shall be determined by the Planning Commission for a public utility station during a conditional use and/or site plan review. The Planning Commission shall not amend the requirements of the underlying zone unless the evidence presented is such as to establish that the amendment will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
15. Automotive sales with no outside display.
16. Multifamily projects shall be developed following the RM standards.
17. See additional standards within Chapter 21-11.
18. This use is not allowed within the CN Zoning District near the northeast corner of Segó Lily and 1300 East. Refer to Rezone File 3-13-2806 Segó Lily Commercial Development for specific area.

19. Whether permitted or conditional, this land use may only be allowed in conjunction with on-site retail sales.
20. An alternative healing and energy healing business must meet the following:
 - a. All Home Occupation Standards and Qualifications.
 - b. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
 - c. Neither clients nor practitioner shall appear on the premises in a state of nudity or semi-nudity, as defined in Chapter 16-2.
 - d. The premises shall not be used for any conduct that violates U.C.A. 1953, § 58-47b-501 or sexual conduct that violates Utah Criminal Code (U.C.A. 1953, § 76-1-101 et seq.).
21. Cannot be a stand-alone use. Must be on the same premises as a sit-down restaurant, retail complex, hotel, or stadium.
22. Only allowed within the Cairns District (boundaries include 9000 South to the north, the TRAX rail to the east, 10600 South Street on the south and Interstate 15 to the west. Also to include the automall commercial areas from 10600 South to 11000 South).
23. May be a stand-alone use or on the same premises with a restaurant.
(LDC 2008, § 15A-08-02; Ord. No. 09-35, 12-7-2009; Ord. No. 10-03, 2-19-2010; Ord. No. 10-12, 4-20-2010; Ord. No. 10-13, 4-20-2010; Ord. No. 10-31, 9-2-2010; Ord. No. 10-32, 9-2-2010; Ord. No. 11-06, 3-25-2011; Ord. No. 12-13, 5-15-2012; Ord. No. 12-30, 8-20-2012; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 13-28, 12-9-2013; Ord. No. 14-35, 11-13-2014; Ord. No. 15-05, 3-23-2015; Ord. No. 15-19, 6-26-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 16-35, 10-20-2016; Ord. No. 16-45, 12-14-2016; Ord. No. 17-09, 3-9-2017; Ord. No. 18-21, § 1(15A-08-02), 8-30-2018; Ord. No. 18-22, § 1(15A-08-02), 8-30-2018)

CHAPTER 21-9. INSTITUTIONAL CARE DISTRICT

Sec. 21-9-1. Designation of Institutional Care District.

The Institutional Care (IC) District is designed to provide a safe, quiet living arrangement for patients and tenants who are in need of special care or medical attention.

(LDC 2008, § 15A-09-01)

Sec. 21-9-2. Purpose; Development Standards; General Amenities for Institutional Care Facilities; Required Amenities and Development Standards for Transitional Care Developments.

(a) Purpose.

- (1) The Institutional Care District is established to provide a residential environment within Sandy City for institutional care developments such as:
 - a. *Institutional Care—Residential.*
 1. Transitional care development.
 2. Assisted living facility.

3. Nursing home/convalescent home/rest home.
 4. Congregate care facility.
 5. Nursing care facility.
 6. Alzheimer's facility.
 7. Hospice.
 8. Medical and health care offices as ancillary use only.
 9. Other similar land uses that are constructed and used primarily for long-term or permanent residence by the elderly and persons with a disability.
- (2) This does not include any facility licensed or operating as a general acute or specialty hospital, day treatment, domestic violence treatment program, residential support, residential treatment, secure treatment, youth program, community correctional center, correctional facility, secure correctional facility, rehabilitation/treatment facility, transitional housing facility, or protective housing facility.
- (3) It is intended that this zone district be placed in areas along an arterial or major collector street, preferably within reasonable walking distance to either general commercial centers that provide grocery and other similar services or major mass transit transportation facilities, such as bus or light rail.

(b) *Development Standards.* The following development standards apply to all developments within the Institutional Care District regardless of the type of use. Additional development standards for institutional care and transitional care development specific land uses are listed elsewhere in this section.

- (1) *Parcel Size.* Any development within the Institutional Care District shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit.
- (2) *Building Height.* The maximum height for all buildings shall be 35 feet from average grade to the peak of the roof.
- (3) *Building Setbacks.*
 - a. *Front Setback.* No building shall be closer to a public street right-of-way than 20 feet. Porticos, portes-cocheres, and similar walkway coverings may project into the front setback and front landscape area a maximum of ten feet.
 - b. *Side Setback.* Side setback areas shall be a minimum of ten feet, excluding porticos and similar overhangs, except where a side property line abuts a residential (R-1) district, in which case the side setback area shall be a minimum of 30 feet.
 - c. *Rear Setback.* Rear setback areas shall be a minimum of ten feet, except where a rear property line abuts a residential (R-1) district, in which case the rear setback area shall be a minimum of 30 feet.
 - d. *Interpretation.* It shall be within the authority of the Director to determine for any lot in this district as to which property lines shall be considered as side or rear lines for the purpose of administering this chapter.

- (4) *Architectural Design and Materials.*
- a. *Building Materials.* All main buildings shall utilize a combination of brick, stone, ceramic tile, masonry materials, and wood composite siding. (Exposed concrete, cinder block, and concrete masonry unit are not permitted, except for minimal foundation exposure.) Stucco, vinyl, aluminum, or wood siding are to be used as accent materials only.
 - b. *Building Design.* All buildings shall have a residential look and incorporate design elements such as dormers, a pitched roof, porticos, quoins, shutters, or other residential elements consistent with the immediate residential neighborhood, as determined during site plan review. In addition, all buildings shall follow the Sandy City Architectural Design Standards.
- (5) *Parking.* Parking for all uses shall be in accordance with Chapter 21-24. In addition to Chapter 21-24, the following parking standards shall apply:
- a. No parking shall be permitted between the street and all main buildings.
 - b. A minimum of one parking space shall be provided on each site for bus only parking. This parking space must be the same size as a handicap stall and clearly designated on the site.
 - c. The number of required parking stalls may be reduced up to 25 percent of the requirement upon review and approval of the Planning Commission if the following criteria can be met:
 1. An expandable area is indicated on the site plan and shown as a future phase of the project.
 2. The applicant/developer is the current owner of record for the property, and any expandable property shown on the site plan.
- (6) *Loading.* All loading and unloading operations shall be performed on the site in accordance with Chapter 21-24.
- (7) *Driveways.* All driveways shall be located as required in Chapter 21-24.
- (8) *Storage Areas.* All storage areas shall be developed in accordance with Chapter 21-23.
- (9) *Refuse Collection Areas.* All refuse areas shall be developed in accordance with Chapter 21-23.
- (10) *Landscaping.* The landscaping upon the entire site shall conform to the following minimum requirements:
- a. *Front Setback.* A minimum of 20 feet measured from the front property line after any required street dedication. This standard shall apply to both frontages of a corner parcel.
 - b. *Side and Rear Setback.*
 1. A minimum of ten feet between parking areas and side or rear property lines.
 2. A minimum of ten feet between an access driveway and a side or rear property line, unless said driveway is to be used for common access by an adjacent commercial parcel.
 3. Other side and rear setback areas that are open to view from public rights-of-way or from residentially zoned property shall be landscaped.

4. Irrespective of other requirements, developments abutting residential districts shall have a minimum of ten feet of perimeter landscaping that is compatible with adjacent land uses and existing landscaping.
- (11) *Screening at District Boundaries.* An opaque screen shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses, unless otherwise provided.
- a. Except where otherwise provided, the screen shall have a minimum height of six feet.
 - b. Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, such as in the case of hillside developments, the Director may review and approve other methods of screening such as bermed landscaping, open construction, screen height, placement of screen, or other types of screening.
 - c. No signs or sign supports shall be permitted on any required screen or fence.
 - d. Acceptable construction materials for screen walls shall include only ceramic tile, stone, brick, concrete panel, concrete block, vinyl, or such other materials as the Director may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Chief Building Official.

(c) *General Amenities for Institutional Care Facilities.* The following amenities are required for all developments under this section, including all multi-unit developments and similar developments intended for independent or assisted living:

- (1) *Amenities.* Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total planned development and shall project a residential character.
- (2) *Building Spaces.* Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- (3) *Elevators.* All two-story or greater multi-unit buildings shall include at least one elevator per building.
- (4) *Common Areas.* All projects shall provide accessible common areas. For multi-unit enclosed projects, the common areas shall also exist within the building. Such indoor common areas and accents may include a meeting area, laundry facilities, large furnished lobby, art work within the hallways, library, reading room, game room, or exercise room. Exterior common areas may include a walking path, garden area, outdoor sitting area, and an outdoor eating area. Additional amenities may include an indoor/outdoor swimming pool, pharmacy, beauty salon, ancillary interior convenience store for residents only, nursing station, classrooms, and patios.
- (5) *Transportation.* All institutional care facilities shall provide transportation options for its residents. Such transportation may include van service operated by the facility or contracted out

to a multi-facility provider. Such facilities are encouraged to be located near mass transit lines (bus or rail) to provide alternative travel options for its residents. Such facilities shall provide connections to public sidewalks, trail systems, and other compatible land uses.

- (6) *24-Hour On-Site Facilities Manager.* All institutional care facilities shall provide at least one on-site facilities manager 24 hours per day, seven days per week. The position may either be a live-in manager or regular employee staffing.
- (d) *Required Amenities and Development Standards for Transitional Care Developments.*
 - (1) A transitional care development must contain at least two of the following land use classifications to qualify under this section:
 - a. Single-family unit development (either detached or attached), such as a traditional home or twin home development.
 - b. Congregate care facility.
 - c. Assisted living facility.
 - d. Nursing home/convalescent home/rest home.
 - e. Hospice.
 - f. Nursing care facility.
 - g. Alzheimer's facility.
 - (2) The project shall be developed as a cohesive development that will allow residents to remain in the same location during the transition period from total independence to total dependence. The facility should be constructed in a campus setting allowing residents to transition from one location to another within the same complex. These standards do not apply for stand-alone assisted living facilities, nursing homes, or other similar living arrangements not associated with the campus setting.
 - (3) The following amenities are required for all transitional care developments that are developed under this section:
 - a. *Parking.* Parking for all uses shall be in accordance with the uses in Section 21-20-7. No parking shall be permitted in the minimum front, side, or rear landscape setback areas. No parking shall be permitted between the street and all main buildings, with the following exceptions:
 1. Twin home developments may utilize private driveway areas for parking.
 2. The completed parking ratio may be reduced to one space per unit for any congregate care facility within the development, and to one-half space per unit for any assisted living center or nursing facility within the development, provided that adequate space is created and landscaped that can be converted to additional parking stalls to comply with the minimum standards as set forth in the Section 21-20-7. The area that is held in reserve for additional parking shall not be located within a required landscape setback area and shall not be used in the calculations for any required landscaping or open space coverage percentage. This exception does

not apply to any other type of land use such as single-family dwellings, twin homes, or traditional multifamily projects that may be associated with the transitional care development.

- b. *Common Areas.* All projects shall provide accessible common areas. For multi-unit enclosed projects, the common areas shall also exist within the building. Such indoor common areas and accents shall include a meeting area, laundry facilities, large furnished lobby, and art work within the hallways. Exterior common areas shall include a walking path, garden area, outdoor sitting area, and an outdoor eating area. Additional amenities may include an indoor/outdoor swimming pool, pharmacy, beauty salon, nursing station, classrooms, and patios.

(LDC 2008, § 15A-09-02)

Sec. 21-9-3. Permitted Land Uses by the Institutional Care District.

(a) *Matrix Explanation.* The following matrix below lists all permitted standards within the Institutional Care District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

(b) *Table of Uses.*

Land Uses in Institutional Care Districts

Accessory apartments	N
Accessory structure (unless otherwise specified)	N
Agriculture	P
Alcohol or tobacco specialty store	N
Alcoholic beverage club (dining) liquor license	N
Alcoholic beverage club (equity) liquor license	N
Alcoholic beverage club (fraternal) liquor license	N
Alcoholic beverage club (social) liquor license	N
Alcoholic beverage hotel license	N
Alcoholic beverage manufacturing license	N
Alcoholic beverage off-premises beer retailer license	N
Alcoholic beverage on-premises banquet and catering license	N
Alcoholic beverage on-premises beer tavern license	N
Alcoholic beverage on-premises recreational beer retailer license	N
Alcoholic beverage package agency	N
Alcoholic beverage reception center license	N
Alcoholic beverage resort license	N
Alcoholic beverage restaurant beer-only license	N
Alcoholic beverage restaurant full service license	N

LAND DEVELOPMENT CODE

§ 21-9-3

Alcoholic beverage restaurant limited license	N
Alcoholic beverage single event permits	N
Alcoholic beverage state liquor store	N
Alcoholic beverage temporary beer event permits	N
All-terrain vehicles (ATV) sales and services	N
Alzheimer's facility	C
Ambulatory surgical facility	N
Ancillary commercial as part of a mixed use building	P
Animal hospital, veterinary office	N
Animal kennel, commercial	N
Animals (household pets or farm)	N
Aquarium	N
Arcade	N
Art gallery	P
Assisted living facility—large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P
Assisted living facility—limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P
Auto, light trucks, RV dealerships (new)—sales and services agencies	N
Auto, light trucks, RV dealerships (used)—sales and services agencies	N
Auto, light truck, RV, rental and leasing agencies	N
Automotive self-service station	N
Automotive service and repair—major	N
Automotive service and repair—minor	N
Automotive service station	N
Automotive service station, non-mechanical	N
Auto, truck, RV, equipment storage	N
Bed and breakfast facility	N
Birthing center	N
Boarding house	N
Botanical gardens	N
Business or financial services	N
Car wash	N
Cemetery, columbarium, mausoleum	N
Commercial, heavy	N
Commercial, parking	N
Commercial repair services	N
Commercial retail sales and services	N
Commercial, specialty	N
Commercial uses of a complementary nature which are shown to be compatible and necessary for the development project	N
Community center	N
Community correctional facility	N
Comprehensive mental health treatment	N
Congregate care facility	N
Correctional facility	N
Crematory, embalming facility	N

Dance hall	N
Day care, adult	C
Day care, child	N
Day care, elderly	N
Day care, group	N
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	N
Dwelling, duplex	N
Dwelling, earth sheltered	N
Dwelling, group planned	N
Dwelling, multiple unit	N
Dwelling, single-family	C
Earth station	S
Educational facility with housing	N
Equestrian facilities	N
Equipment sales and services	N
Exposition/convention center	N
Extended living areas	C
Fraternity or sorority house	N
Garage sales (residential)	N
Guest house	N
Half-pipe ramps	N
Homeless shelter	N
Home health agency	N
Home occupation, Category I	N
Home occupation Category II	N
Hospice	C
Hospital	C
Hotel	N
Industry, light	N
Industry, medium	N
Jail	N
Juvenile detention facility	N
Juvenile secure facility	N
Library	N
Manufactured homes	C
Manufactured/mobile home park	N
Medical and health care offices	C
Mixed use development	N
Mobile homes	N
Model home	N
Modular home	N
Mortuary, funeral home	N
Motel	N
Multifamily, 8 U/A	N
Non-depository institution	N
Nursing care facility	C

LAND DEVELOPMENT CODE

§ 21-9-3

Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P
Park and ride facilities	N
Parking, structure/terrace	N
Parks, public and private	N
Pawnshop	N
Permanent make-up	N
Planned unit development	C
Plant nursery	N
Prison	N
Professional offices	N
Protective housing facility	N
Public service	N
Public utility station	N
Recreation center	N
Recreation, indoor	N
Recreation, outdoor	N
Recyclable materials collection/drop-off facility	N
Rehabilitation/treatment facility	N
Religious or cultural activity	N
Research and development facility	N
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min/max square footage))	P
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	P
Residential health care facility, residential care facility	C
Residential short-term rental	S
Restaurant	N
Restaurant, drive-up window	N
School, charter	N
School, commercial	N
School, commercial (low-impact)	N
School, private or quasi-public	N
School, public	N
Secondhand merchandise dealer	N
Sexually oriented business, (escort agencies, outcall service agencies and semi-nude dancing agencies)	N
Sheltered workshop	N
Skatepark	N
Small health care facility	C
Social detoxification facility	N
Social or reception center, fraternal organizations	N
Solar equipment	S
Solid waste conversion facility	N
Stadium	N
Storage (mini-storage) facilities	N
Street vendors	N

Tattoo parlor	N
Theater	N
Trade or vocational school	N
Transitional care development	C
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Twin home	N
Warehouse, wholesale	N
Waste transfer station	N
Wind energy conversion system	N
Wireless telecommunication facility	S
Zero lot line development	N
Zoological gardens	N

(LDC 2008, § 15A-09-03; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 17-09, 3-9-2017; ; Ord. No. 18-21, § 1(15A-9-03), 8-30-2018)

CHAPTER 21-10. OPEN SPACE DISTRICT

Sec. 21-10-1. Purpose and Development Review.

(a) *Purpose.* The Open Space (OS) District is designed to provide for an enhanced natural environment, protecting the City's limited natural and developed open spaces from further intrusions. The intent of the Open Space District is to establish areas in the City where only open and generally undeveloped lands are to be permitted. Development of a comprehensive network of permanent, multi-functional, publicly- and privately-owned open spaces shall be encouraged. Restrictions in this zone are designed to prevent the encroachment of residential, commercial, and industrial uses into these open space areas that would be contrary to the objectives and characteristics of this zone.

(b) *Development Review.* All developments within the Open Space District shall be reviewed and approved by the Planning Commission. The Planning Commission shall review all requests for public facilities, including parks, pavilions, trails, equestrian areas, and indoor/outdoor recreation centers, within this District. During the review process, the Planning Commission shall set appropriate building height, size, and setback requirements for each specific development proposal. Development shall be landscaped as determined appropriate by the Planning Commission upon consultation with the Parks and Recreation Department and in compliance with Section 21-25-4.

(LDC 2008, § 15A-10-01)

Sec. 21-10-2. Permitted Land Uses in the Open Space District.

(a) *Matrix Explanation.* The following matrix lists all permitted uses within the Open Space District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial

road as determined by the City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

Uses in Open Space District

Accessory apartments	N
Accessory structure (unless otherwise specified)	N
Agriculture	P
Alcohol or tobacco specialty store	N
Alcoholic beverage club (dining) liquor license	N
Alcoholic beverage club (equity) liquor license	C ¹
Alcoholic beverage club (fraternal) liquor license	N
Alcoholic beverage club (social) liquor license	N
Alcoholic beverage hotel license	N
Alcoholic beverage manufacturing license	N
Alcoholic beverage off-premises beer retailer license	N
Alcoholic beverage on-premises banquet and catering license	C ¹
Alcoholic beverage on-premises beer tavern license	N
Alcoholic beverage on-premises recreational beer retailer license	C ¹
Alcoholic beverage package agency	N
Alcoholic beverage reception center license	N
Alcoholic beverage resort license	N
Alcoholic beverage restaurant beer-only license*	N
Alcoholic beverage restaurant full service license*	N
Alcoholic beverage restaurant limited service license*	N
Alcoholic beverage single event permits	C ¹
Alcoholic beverage state liquor store	N
Alcoholic beverage temporary beer event permits	C ¹
All-terrain vehicles (ATV) sales and services	N
Alzheimer's facility	N
Ambulatory surgical facility	N
Ancillary commercial as part of a mixed use building	N
Animal hospital, veterinary office	N
Animal kennel, commercial	N
Animals (household pets or farm)	N
Aquarium	N
Arcade	N
Art gallery	N
Assisted living facility—large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N

Assisted living facility—limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Auto, light trucks, RV dealerships (new)—sale and services agencies	N
Auto, light trucks, RV dealerships (used)—sale and services agencies	N
Auto, light truck, RV, rental and leasing agencies	N
Automotive self-service station	N
Automotive service and repair—major	N
Automotive service and repair—minor	N
Automotive service station	N
Automotive service station, non-mechanical	N
Auto, truck, RV, equipment storage	N
Bed and breakfast facility	N
Birthing center	N
Boarding house	N
Botanical gardens	C
Business or financial services	N
Car wash	N
Cemetery, columbarium, mausoleum	C
Commercial, heavy	N
Commercial, parking	N
Commercial repair services	N
Commercial retail sales and services	N
Commercial, specialty	N
Commercial uses of a complementary nature which are shown to be compatible and necessary for the development project	N
Community center	N
Community correctional facility	N
Comprehensive mental health treatment	N
Congregate care facility	N
Correctional facility	N
Crematory, embalming facility	N
Dance hall	N
Day care, adult	N
Day care, child	N
Day care, elderly	N
Day care, group	N
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	N
Dwelling, duplex	N
Dwelling, earth sheltered	N
Dwelling, group planned	N
Dwelling, multiple unit	N
Dwelling, single-family	N

LAND DEVELOPMENT CODE

§ 21-10-2

Earth station	N
Educational facility with housing	N
Equestrian facilities	C
Equipment sales and services	N
Extended living areas	N
Fraternity or sorority house	N
Garage sales (residential)	N
Guest house	N
Half-pipe ramps	N
Home health agency	N
Homeless shelter	N
Home occupation, Category I	N
Home occupation, Category II	N
Hospice	N
Hospital	N
Hotel	N
Industry, light	N
Industry, medium	N
Jail	N
Juvenile detention facility	N
Juvenile secure facility	N
Library	N
Manufactured homes	N
Manufactured/mobile home park	N
Medical and health care offices	N
Mixed use development	N
Mobile homes	N
Model home	N
Modular home	N
Mortuary, funeral home	N
Motel	N
Multifamily, 8 U/A	N
Non-depository institution	N
Nursing care facility	N
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Park and ride facilities	N
Parking, structure/terrace	N
Parking, underground	N
Parks, public and private	C
Pawnshop	N

Permanent make-up	N
Planned unit development	N
Plant nursery	N
Prison	N
Professional office	N
Protective housing facility	N
Public service	C
Public utility station	C
Recreation center	C
Recreation, indoor	C
Recreation, outdoor	C
Recyclable materials collection/drop-off facility	N
Rehabilitation/treatment facility	N
Religious or cultural activity	N
Research and development facility	N
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Residential health care facility, residential care facility	N
Residential short-term rental	N
Restaurant	N
Restaurant, drive-up window	N
School, charter	N
School, commercial	N
School, commercial (low-impact)	N
School, private or quasi-public	N
School, public	N
Secondhand merchandise dealer	N
Sexually oriented business (escort agencies, outcall service agencies and semi-nude dancing agencies)	N
Sheltered workshop	N
Skatepark	C
Small health care facility	N
Social detoxification facility	N
Social or reception center, fraternal organizations	N
Solar equipment	S
Solid waste conversion facility	N
Stadium	N
Storage (mini-storage) facilities	N
Street vendors	N
Tattoo parlor	N

Theater	N
Trade or vocational school	N
Transitional care development	N
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Twin home	N
Warehouse, wholesale	N
Waste transfer station	N
Wind energy conversion system	N
Wireless telecommunication	S
Zero lot line development	N
Zoological gardens	N

(c) *Explanatory Notes.*

1. Permitted as a conditional use only within golf course grounds and facilities. Not permitted in other facilities or uses in the Open Space District.
(LDC 2008, § 15A-10-02; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 17-09, 3-9-2017; Ord. No. 18-21, § 1(15A-10-02), 8-30-2018)

CHAPTER 21-11. SPECIAL USE STANDARDS

Sec. 21-11-1. Accessory Apartments, Extended Living Areas, and Guesthouses.

(a) *Purpose.* This section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single-family dwellings in residential zone districts. These accessory living areas enable housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available which are appropriate for households at a variety of stages in the life cycle.

(b) *General Requirements.* The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse:

- (1) *Residence Required.* The owners of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owners stating that such owners will occupy said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.
- (2) *Number Permitted Within Each Single-Family Dwelling.* Only one accessory apartment/extended living area shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
- (3) *Home to Retain Single-Family Dwelling Appearance.* The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building

remains that of a single-family residence, including retention and enhancement of landscaping. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).

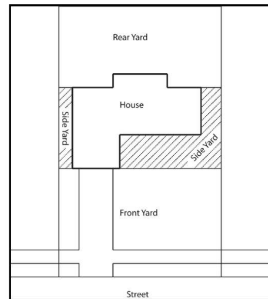
- (4) *Utility Meters and Addressing.* It shall be prohibited to install separate utility meters and separate addresses.
- (5) *Building Code Compliance Required.* The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.
- (6) *Parking.* At least one off-street parking space shall be available for use by the occupants of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles owned by occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.
- (7) *Mobile Homes.* It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.
- (8) *Transferability.* Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire; that is, the approval is not transferable.

(c) *Additional Requirements for Approval of an Accessory Apartment.* Accessory apartments are allowed only with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a conditional use:

- (1) *Entrances.* All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.
- (2) *Maximum Size Permitted.* In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area, nor be greater than 800 square feet, nor have more than two bedrooms, unless, in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.
- (3) *Occupancy Restrictions.* The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sublease any portion of the accessory apartment to other individuals.
- (4) *Recordation.* Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the Community Development Department.
- (5) *Duration of Approval.*
 - a. *Approval Nontransferable.* Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.

- b. *Length of Approval—Renewal Options.* The effective period of the conditional use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use.
- (6) *Other Requirements.* Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.
- (d) *Additional Requirements for Approval of an Extended Living Area.* Approval for an extended living area may be granted by the Director. The granting of approval for an extended living area shall not exempt the applicant from meeting other applicable ordinances, covenants, codes or laws recognized by Sandy City. The following standards must be met:
 - (1) *Occupancy Restrictions.* Extended living areas shall be used for extended family members only or for employed household maintenance personnel on a non-rental basis. A letter of application sworn before a notary public by the owners stating that the individuals residing in the extended living area are related by blood/marriage, adoption, or are employed household maintenance personnel must be provided to the City.
 - (2) *Recordation.* Approval for an extended living area must be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.
 - (e) *Additional Requirements for Approval of a Guesthouse.* A guesthouse may be allowed only with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a conditional use:
 - (1) *Occupants.* A guesthouse shall be used only by the occupants of the principal dwelling or their nonpaying guests.
 - (2) *Lot Size.* A guesthouse will only be considered for a conditional use on a lot containing at least 20,000 square feet which has an existing owner-occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot 20,000 square feet or larger.
 - (3) *Location.* Guesthouse setbacks shall be no less than ten feet from the side and rear property lines and six feet from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be ten feet from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side

yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.



- (4) *Maximum Size Permitted.* In no case shall a guesthouse comprise more than 400 square feet and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.
 - (5) *Height.* A guesthouse shall be limited to a single story.
 - (6) *Kitchen Facilities.* There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), counter length not exceeding six feet, and a wet bar sink (12 inches wide or less) are permitted.
 - (7) *Site Plan.* A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of a conditional use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
 - (8) *Conversion.* Existing accessory structures (shed, garage, workshop, etc.) may be converted to a guest house, provided that the proposed guesthouse complies with all title standards and the adopted Building Code. The number of required off-street parking stalls shall not be eliminated with the conversion of an accessory garage.
 - (9) *Basements.* No basements will be allowed within a guesthouse.
 - (10) *Recordation.* Approval for a guesthouse shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. Proof of recordation shall be submitted to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the Community Development Department.
 - (11) *Inspections.* Yearly inspections may be required to determine compliance if determined appropriate by the Director or Chief Building Official.
- (LDC 2008, § 15A-11-01)

Sec. 21-11-2. Accessory Structures.

(a) *Residential Standards.*

(1) *Setbacks and Location Restrictions.*

- a. *General.* Eave projections shall not encroach more than four inches into the setback area. Accessory buildings shall be constructed in such a manner that the water runoff does not infringe onto adjoining property, and the setback areas are kept free of weeds, trash and debris. Accessory buildings located three feet or less from the property line shall have concrete, asphalt, or other approved surface between the property line and accessory building. Accessory buildings shall comply with the minimum setback distances listed in this section.
- b. *"A" Designated Zones.* Those properties within an "A" designated zone, with at least 40,000 square feet, shall be allowed to build an accessory structure, for animals or personal storage, within the front and/or side yard areas, provided the structure is beyond the required setbacks for main dwelling units. These accessory structures shall be limited to 20 feet in height, 2,000 square feet, and be at least 30 feet from neighboring dwelling units. The structure must be in scale and character with the main dwelling unit. Any exception from the height or setback requirements may be reviewed by the Planning Commission through the conditional use permit process.
- c. *Table of Minimum Setbacks.*

	<i>Setback</i>
From side property line in rear yard	2*
From rear property line	2*
From front property line	30
From main dwelling ¹	6
From dwelling on adjacent property	10
Between dwelling and front property line adjacent to a street (corner lot)	See below

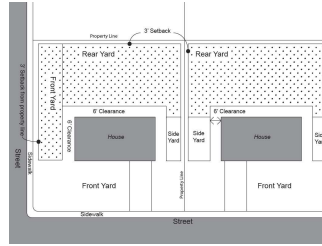
*There shall be a minimum three-foot-wide unobstructed access to the rear yard for emergency purposes. Said access may be gated, and may be located on either side yard of the home.

Accessory structures built closer than five feet to property line will be required to comply with the International Residential Code.

- 1. Accessory buildings less than six feet from the main dwelling must meet the setback of the main dwelling of the underlying zone. If the accessory building cannot meet the setback of the main dwelling, it shall be setback six feet from the main dwelling.
 - 2. Additional setbacks may be required as per Subsections (a)(1)e and (a)(3) of this section.
- d. *Corner Lots.* An accessory structure may be located between the main dwelling unit and the front property line (see Figure 1), adjacent to a street, if the structure complies with the maximum height and size requirements listed below. These structures must be at least six-feet from the main dwelling and two-feet from the property line. No structures are

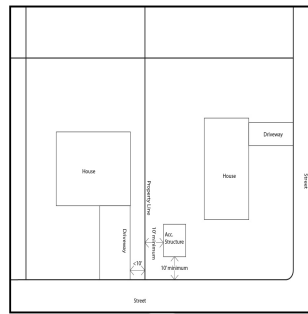
allowed within the sight visibility triangle. These structures will not be allowed to have access to the public right-of-way closest to the structure, unless the Transportation Engineer reviews and approves the location based upon safety of pedestrians and vehicular access.

Figure 1. A Typical Setback Configuration for Corner and Interior Lots



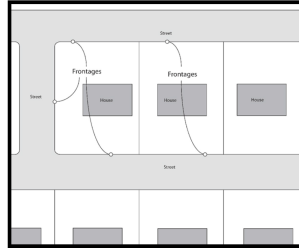
If the adjacent interior lot has a driveway within ten feet of the rear property line of the corner lot, the structure must be setback at least ten feet from both the front and rear property lines. (See Figure 1a.)

Figure 1a. Location Restrictions on Corner Lots



- e. *Lots with Multiple Street Frontages.* Any accessory building on a lot with multiple street frontages is subject to additional setbacks from the property line abutting a street if the building is over ten feet in height. Additional height is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of ten feet) to a maximum height allowed within the zone.

Figure 2. An Example of Lots With Multiple Street Frontages



A six-foot opaque fence is required if an accessory building is constructed along a street frontage to provide screening. A shorter non-opaque fence may be used if the property is located in a zone with an "A" designation. The height restriction and fencing requirement shall apply up to the point that a rear setback of 15 feet has been reached. If the accessory building is under ten feet in height (measured to the peak of the roof), no additional setback is required.

- f. *Easements.* Accessory buildings shall not encroach upon any easement or right-of-way without proper written release or acknowledgment from all utility and drainage companies. Copy of such release/acknowledgment shall be presented at time of building permit application. Release of use of the easement does not remove any other requirements as stated in this Code.
 - g. *Detached Garages.* Detached garages or any detached structure 240 square feet or larger shall be set within the rear yard of the home, and are not permitted in the side yard.
- (2) *Maximum Square Footage.*
- a. *Table of Maximum Accessory Structure Size.*

<i>Property Size</i>	<i>The lesser measurement of the two shall be the maximum permitted size of the combined square footage of all accessory structures on the property</i>	
	<i>Maximum Size (percentage of rear yard)</i>	<i>Alternate Maximum Size</i>
14,999 sq. ft. or smaller	25%	750 sq. ft.
15,000 sq. ft.—19,999 sq. ft.	25%	1,000 sq. ft.
20,000 sq. ft.—39,999 sq. ft.	25%	1,500 sq. ft.
40,000 sq. ft. or larger	25%	2,000 sq. ft.

1. For those zones not listed (such as SD and PUD zones), the residential district most closely associated with that zone shall be used to determine the maximum size allowable. All zones with animal rights (with the "A" designation at the end of the zone classification) shall conform to its similar non-animal right zone classification.
2. No single accessory building shall exceed 1,500 square feet, unless the Planning Commission approves a larger size through the conditional use permit process.

- b. *Table of Maximum Accessory Structure Size for Corner Lots Between the Main Dwelling Unit and the Front Property Line, Adjacent to a Street (See Figure 1).*

<i>Property Size</i>	<i>Maximum Square Footage</i>	<i>Maximum Height</i>
7,999 sq. ft. or smaller	100	10'
8,000 sq. ft.—9,999 sq. ft.	150	10'
10,000 sq. ft.—14,999 sq. ft.	200	10'
15,000 sq. ft. or larger	250	10'

*Structures exceeding the above height and square footage limitations must be within the rear yard.

- c. *Number of Accessory Buildings.* A maximum of two accessory buildings are permitted on a property. This restriction does not apply to zones with an "A" designation.
- d. *Conditional Use Permit.* The total maximum square footage of all accessory buildings on the property may be increased up to 25 percent larger than the permitted size upon receipt of a conditional use permit from the Sandy City Planning Commission. However, the Planning Commission may not approve any accessory structure over 25 percent of the rear yard. For any properties over 40,000 square feet, or with an "A" designation, the total maximum square footage of all accessory buildings on the property may be increased up to 50 percent larger than the permitted size through a conditional use permit. The Planning Commission shall consider the scale of the buildings in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the conditional use permit process. The Planning Commission may require additional setback from side and rear property lines as a condition of approval.

(3) *Maximum Height.*

- a. *Table of Maximum Accessory Structure Height.*

	<i>Side Yard</i>	<i>Rear Yard</i>
<i>Zone Classification</i>	<i>Maximum Height to Peak</i>	<i>Maximum Height to Peak</i>
R-1-12 or smaller (i.e., R-1-9, -8, etc.)	10	15
R-1-15 or larger (i.e., R-1-30, -40, etc.)	10	20

- b. *Additional Setback Requirement.* Detached structures exceeding 15 feet in height shall increase the minimum setback one foot for each one foot of additional height up to the minimum setback for the primary dwelling. However, if the accessory building abuts a property line that is adjacent to a commercially zoned property, then no additional setback is required. This requirement may also be waived by the Planning Commission through a conditional use permit process.
- c. *Conditional Use Permit.* A building may be built taller, up to the maximum building height for a permitted dwelling within the zone in which it is located, upon receipt of a conditional use permit from the Sandy City Planning Commission. The Planning Com-

mission shall consider the scale of the building in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the conditional use permit process. The Planning Commission may require additional setback from side and rear property lines as a condition of approval.

(4) *Other Requirements.*

- a. *Ancillary to Main Dwelling.* Accessory buildings are only allowed on properties where a main dwelling or building exists, except as provided in Section 21-11-3.
- b. *Utility Connections.* Separate meter connections for electricity, water, sewer, or gas utilities are not permitted for accessory buildings.
- c. *Architectural Guidelines.* Generally, accessory structures and buildings shall be designed and constructed as to be compatible with the architectural components of the main dwelling or building. However, if the accessory structure is intended to be an outdoor animal domicile see Section 21-11-3; other standards may apply, such as location, visibility, scale, general aesthetics in the immediate vicinity, etc.
- d. *Building Standards.* Accessory buildings must meet all construction standards and fire rating requirements of the International Residential Code (IRC).
- e. *Lots without Attached Garage.* For those residences that were not originally constructed with an attached two-car garage, a detached garage may be built in the rear yard up to 480 square feet in size regardless of the percentage of the lot covered. The garage must meet the minimum garage size standards as determined in this title. In no way does this section permit the intrusion into required building setbacks to property lines, easements or main structures.
- f. *When Detached Garages are Primary Garages.* All detached garages that serve as the primary garage for a dwelling are subject to review by the Sandy City Transportation Engineer to determine if the location of the structure is safe and accessible.
- g. *Screening Required for Side Yards.* Accessory buildings in the side yard shall be screened from view from access streets and adjacent properties by a six-foot opaque type screening unless located in a zoning district with an "A" designation.
- h. *Other Structures.* These provisions do not apply to children's play equipment, flagpoles, light poles, stand-alone arbors, or other similar structures.
- i. *Prohibited Structures.* Shipping containers, semi-trailers, boxcars, portable on demand storage (PODS), temporary carports, canopies, tents, or similar structures may not be installed or maintained on a residential lot for longer than 30 days, or up to six months with a valid building permit for construction on the property.

(b) *Nonresidential Standards.*

- (1) Accessory structures are only allowed if designated on a City-approved site plan.

- (2) Accessory structure heights shall not exceed 15 feet at the peak of the roof and must have a minimum three-twelfths pitch.
- (3) Setbacks shall follow the development standards specified in this title for the main structure unless otherwise stipulated.

(LDC 2008, § 15A-11-02; Ord. No. 09-28, 10-19-2009; Ord. No. 10-26, 7-30-2010; Ord. No. 09-19, 7-31-2010; Ord. No. 15-29, 9-12-2015)

Sec. 21-11-3. Animals (Farm and Household Pets).

(a) *Farm Animals.*

- (1) *Designation of Appropriate Zone Districts.* Property owners in any R-1-40, R-1-30, R-1-20, or R-1-15 residential district may submit an application for rezoning for designation of the district for the keeping and raising of farm animals. An "A" following a zone designation indicates farm animals are permitted.
- (2) *Procedure for Designation.* A request for rezoning must include at least five contiguous properties or have at least 1½ acres.
- (3) *Ratio of Animals to Lot Size for Farm Animals.* In order to have farm animals on a residential lot with an "A" designated zone, the following minimum square footage requirements will be required for each animal:
 - a. Each large animal requires at least 10,000 square feet. Each medium animal requires at least 4,000 square feet. Each small animal requires at least 400 square feet. For example, a 20,000 square foot lot could have no more than two large animals, or no more than five medium animals, or no more than 50 small animals, or a combination of one large animal, two medium animals, and five small animals.
 - b. Vietnamese potbellied pigs may be kept at a ratio of two animals for each one-half acre of lot size (no less than 20,000 square feet). The maximum number of Vietnamese potbellied pigs shall be two per residential lot.

(b) *Household Pets.*

- (1) *Maximum Number Allowed.* All zones are allowed no more than a total of six common household pets (dogs, cats, rabbits, and ducks). These household pets may be kept on-site for family use only. Roosters are not allowed as a household pet. Exceptions:
 - a. In addition to the six common household pets, there shall be no more than ten chickens, kept on a non-nuisance basis.
 - b. No more than two dogs per residence are allowed unless the resident has procured a dog hobby license to allow up to a total of five dogs.

(c) *Outdoor Animal Domiciles Structure.* Partially enclosed and/or roofed structures (e.g., barns, corrals, cages, pens, coops, kennels and runs, etc.) are encouraged to be provided and maintained for all animals kept outdoors. Such structures shall be sited at the rear of the main dwelling and at least 30 feet from neighboring dwellings and comply with all other setback and yard regulations for accessory structures (unless the parcel is over 40,000 square feet and the accessory structure is placed beyond the

front or side yard setbacks. See Subsection (a)(1)b of this section). The facilities shall be placed in compliance with all animal regulations, noise and nuisance regulations, and Salt Lake Valley Health Department regulations and procedures, with the following exceptions:

- (1) All dog kennels and dog runs must be set back at least ten feet from the property line and at least 40 feet from all neighboring dwellings.
- (2) For properties which have an "A" designation, the Director may allow an outdoor animal domicile structure for farm animals to be constructed prior to construction of a main dwelling under the following conditions:
 - a. The structure complies with all accessory structure setback, height, and size standards.
 - b. The structure is in scale and character with other accessory buildings located within one-half mile of the property and located in the same or larger lot zone district or is an improvement to the immediate area (e.g., R-1-15A, R-1-20A, R-1-30A, R-1-40A).
 - c. That an agreement be recorded against the property that the structure will be relocated or removed as necessary to comply with setback standards upon additional development of the property (e.g., construction of the main dwelling, subdivision, etc.). In addition, a plot plan shall be submitted which indicates the location of the structure in relation to a future residence on the property, and this information shall also be provided within the agreement.

Note: This section applies only to those animal facilities placed outside the main dwelling unit. This regulation does not apply to any location within the interior of the home, including the garage or other attached interior space.

(LDC 2008, § 15A-11-03; Ord. No. 12-05, 1-31-2012; Ord. No. 12-22, 6-18-2012; Ord. No. 15-25, 7-21-2015)

Sec. 21-11-4. Earth-Sheltered Dwellings.

(a) *Development Standards.* The following regulations shall apply to dwellings constructed underground or partially underground for purposes of energy conservation:

- (1) *Emergency Egress.* There shall be immediate emergency egress from all sleeping rooms.
- (2) *Exterior Windows.* At least half of the habitable rooms of an earth-sheltered dwelling unit shall be provided with exterior windows and shall receive a minimum of one hour of sunlight on each clear day. There shall be a minimum exposure of western windowed walls to the late afternoon sun in the summer.
- (3) *Natural Light.* Artificial light may be allowed as a substitute for natural lighting. However, the overall natural lighting or exterior glazing requirement shall be eight to ten percent of the floor area of the habitable rooms.
- (4) *Minimum Floor Area.* The required minimum floor area may be waived for any earth-sheltered dwelling structure if that structure is designed for energy conservation, and the structure will meet all applicable building, development, and health codes.

- (5) *Setbacks.* Any exterior wall in an earth-sheltered dwelling unit may extend into the rear, side, or front setback a maximum of one-half of the required setback distance of that zone district. Exceptions include:
- a. Any exterior wall containing a window facing the front street property line shall be built behind the required front setback area.
 - b. The distance between the side lot line and a side wall containing windows shall not be less than six feet from the side property line.
 - c. No part of the outdoor living area shall exceed eight percent slope, and 15 feet of the depth shall not exceed two percent slope.
 - d. No inside living space or exterior wall may encroach upon any easement, right-of-way, any access for maintenance, or cause instability to neighboring structures.
- (6) *Bermed Structures.* Bermed structures shall have one foot of setback for every foot of berm above existing grade.
- (7) *Guardrails.* Fences or barriers shall be required along roof edges or any vertical drop. Fences or barriers which will prevent access to the roof area may be set back from the roof edge.

(b) *Site Plan Review.* Plans for construction of earth-sheltered dwellings shall be subject to the applicable standards outlined in this title, including a Grading and Landscaping Plan.

(LDC 2008, § 15A-11-04)

Sec. 21-11-5. Home Occupations.

- (a) *Purpose.* The purposes of this section are to:
- (1) Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
 - (2) Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - (3) Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - (4) Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - (5) Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of this Code, and, if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

(b) *Home Occupation License.* All home occupations shall be licensed unless specifically provided an exemption in this section or in the business license regulations of this Code. Regardless of whether a license is required, all home occupations must adhere to the standards and qualifications listed in this section. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.

(c) *Categories and Requirements of Home Occupation Licenses.* Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II, Conditional Use Home Occupation requires review and approval of the Planning Commission.

(d) *Home Occupation Standards.* All home occupations, licensed or not, shall comply with the following standards at all times:

- (1) *Bona Fide Resident.* The home occupation business shall be owned by and carried on only by a bona fide resident of the home.
- (2) *Satellite Office Not Allowed.* A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities shall not be conducted at the home of an employee of a company by nonresident company employees.
- (3) *Accessory Use on the Property.* For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
- (4) *On-Site Employees.* One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one nonresident employee may work at the home at one time.
- (5) *Off-Site Employees.* Any home occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation business license except for incidental vehicle stops.
- (6) *Off-Street Parking.* All business-related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles.
- (7) *Vehicle Advertisement.* Vehicles, trailers, or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
- (8) *Designating Areas of Property to be Used.* The home occupation applicant must designate the portion of the home, accessory structure, yard, or attached or detached garage to be used as the location for business activities. No businesses are allowed to operate outside of an enclosed structure, unless otherwise approved by the Planning Commission for outside activities.

- (9) *External Appearance.* The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.
- (10) *Outdoor/Yard Space.* The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
- (11) *Business Trailer.* One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation are as follows:
 - a. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.
 - b. Materials/equipment shall not be stored outside of the trailer.
 - c. The trailer shall be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
 - d. The trailer must be well-maintained and must not present negative impacts for adjacent neighbors, including, but not limited to, odors, dust, or parking location.
 - e. All areas utilized for the parking of trailers shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
 - f. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.
- (12) *Commercial Vehicle.* Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence. This vehicle must comply with all residential parking requirements contained within this title.
- (13) *Conformity with Safety Codes.* There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
- (14) *Health and Safety.* No process can be used which is hazardous to public health, safety, morals, or welfare.
- (15) *No Excessive Utility Uses.* The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.
- (16) *Neighborhood Disruptions Not Permitted.* The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not

create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.

- (17) *Renter/Owner Responsibility.* If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.
- (18) *Interior Alterations/Remodeling.* Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.
- (19) *Exempt from Business Licensure.* A business license will not be required unless the combined off-site impact of the home occupation and the primary residential use materially exceeds the impact of the primary residential use alone. If a home occupation has any of the following impacts, a business license is required:
- a. Business-related customers, client visits, or meetings on the property.
 - b. Signage or advertising of the business that is visible from the exterior of the home.
 - c. The business owner or operator desires a physical copy of a business license.
 - d. Any nonresident working on the property.
 - e. Business-related deliveries are made to or from the property.
 - f. Accessory or commercial vehicles are stored or parked on the property for the home occupation.
 - g. The home or property requires inspections from any regulatory authority or agency, including, but not limited to, the City, Salt Lake Valley Health Department, and/or the Department of Agriculture.
 - h. The business generates any additional vehicular traffic or parking on the property.
 - i. If the State requires a sales tax number for any reason.
 - j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.
 - k. If the home requires any modification requiring a building permit to accommodate the business operations.
 - l. When the business use within the home exceeds 25 percent of the primary dwelling.

(e) *Category I Qualifications.* In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the conditional use permit process before submitting the application for a home occupation business license.

- (1) *Hours.* No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

- (2) *Traffic.* Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. The home occupation shall be limited to two business related visitors or customers per hour, to a maximum of eight business related visitors or customers per day. Business related deliveries or pickups shall not exceed two per day.
- (3) *Delivery Vehicles.* The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
- (4) *Conducted in a Home.* When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.
- (5) *Maximum Floor Space.* No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.
- (6) *Signs.* The home occupation may utilize one unanimated, non-illuminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.
- (7) *Display of Products.* The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
- (8) *Food or Beverage Preparation for Consumption Outside of the Home.* Any home occupation involving or proposing to involve food or drink preparation, storage, or catering will be permitted when it is authorized by the appropriate State or County department or agency.
- (9) *Category I Home Occupation Licensing Involving Child Day Care and Other Child Group Activities.*
 - a. This type of home occupation shall not exceed eight children associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
 - b. All child day care and other group child activity facilities shall provide safe, outdoor play time and spaces as required by Federal, State, County, or local laws governing such business activities.
- (10) *Category I Home Occupation License Involving Elderly Day Care.*
 - a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. Any home occupation of this nature which exceeds two individuals or more than 12 hours of operation will be considered a Category II home occupation and shall be reviewed and approved by the Planning Commission.

- b. This type of home occupation must comply with all local and state laws governing such business activity.
- (11) *Category I Home Occupation Licensing Involving Renting Recreational Vehicles from Personal Property in Single-Family Residential Zones.*
- a. A property owner/resident living in the home may rent one recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two recreational vehicles.
 - b. Any recreational vehicle must be parked according to the residential parking requirements and restrictions within this title, except that any recreational vehicle that is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with.
 - c. Advertising on the recreational vehicle is prohibited.
 - d. Servicing the recreational vehicle shall be limited to those activities which will comply with Chapter 13-2 and Title 19.
 - e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowner's property in compliance with all residential parking requirements during the time the recreational vehicle is being rented.

(f) *Category II, Conditional Use Permit Required.* If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a home occupation business license through the Business License Office.

- (1) *General.* In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:
 - a. All Category II home occupation uses shall only be conducted from property with a single-family dwelling.
 - b. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted.
- (2) *Compliance.* Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 15, all of the standards and qualifications that have not been granted an exception through the conditional use process, and additional regulations set forth hereafter.
- (3) *Child Day Care.* The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time:
 - a. A maximum of 16 children is permitted at any one time.
 - b. A maximum of 18 children is permitted per day.

- c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
 - d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.
- (4) *Group Child Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:
- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
 - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
 - 2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
 - b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
 - c. A maximum of four sessions per day may be permitted.
 - d. All sessions combined shall not generate more than 24 vehicular stops per day.
 - e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
 - f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.
- (5) *Work Shops.* Repair shops, including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- (6) *Business Not Conducted Within a Home.* Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
- a. The applicant for a home occupation business license shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more than a maximum of 200 square feet, or, in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
 - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.

- d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- (7) *Home Occupations and Outdoor Activities.* Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
 - (8) *Dangerous Home Occupations.* Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
 - (9) *Home Occupations Generating Excessive Traffic.* Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
 - (10) *Large, Business Related Vehicles.* Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles).
 - (11) *More Than Two Home Occupation Licenses.* Any home where the applicant is seeking more than two home occupation licenses.
- (g) *Prohibited Home Occupations.* The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
- (1) Mortuary, crematorium, columbarium, or mausoleum.
 - (2) Animal hospitals or veterinary services.
 - (3) Clinic, dental office, medical office, chiropractic office, or hospital.
 - (4) Junkyard, auto wrecking yard, or salvage yard.
 - (5) Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - (6) Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, water craft, automobiles, ATVs, or other motorized vehicles.
 - (7) Fitness or health spa facilities.
 - (8) Boutiques, sample sale, or craft shows.
 - (9) Auto body repair or motor vehicle repair.
 - (10) Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an operational permit.

- (11) Number of vehicular stops or visits that would exceed 24 per day.
- (12) Massage therapy or other alternative healing and energy healing businesses, with the exception that a home occupation license may be issued if the applicant is the only person employed in said operation and he has obtained any required licenses from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing and energy healing businesses may be permitted if a Category II qualification is required.

(13) Bed and breakfast facilities.

(Ord. No. 09-18, 7-31-2009; Ord. No. 10-45, 12-14-2010; Ord. No. 12-33, 9-17-2012; Ord. No. 15-25, 7-21-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 17-29, § 1, 12-1-2017)

Sec. 21-11-6. Manufactured Homes.

All manufactured homes placed in an R-1 zone, placed pursuant to U.C.A. 1953, § 10-9a-514, shall install a concrete foundation wall around the perimeter of the structure. Such structures shall also include a required two-car garage (attached or detached) prior to occupancy of the structure.

(LDC 2008, § 15A-11-06)

Sec. 21-11-7. Mobile Homes.

No mobile home shall be placed, used, or occupied except within approved mobile home subdivisions, mobile home parks, or mobile home sales lots.

(LDC 2008, § 15A-11-07)

Sec. 21-11-8. Residential Facility for Elderly Persons or for Persons with a Disability.

(a) *Purpose.* The purpose of this section is to:

- (1) Comply with the Utah Code Annotated.
- (2) Avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) and the Federal Fair Housing Act, as interpreted by courts whose decisions are binding in Utah. This section is not a separate zone for such facilities, but applies to all residential zones within Sandy City. If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this title, the requirements of this section shall govern the same, notwithstanding any conflicting provision of this Code. Except as provided herein, the requirements of this section shall not be construed to prohibit or limit other applicable provisions of this Code, or other local, County, state, or federal laws.

(b) *Permitted Uses.*

- (1) *Permitted Uses.* Notwithstanding any contrary provision of this title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted or conditional use subject to the development standards in Subsection (d) of this section.

- (2) *Termination.* A use permitted by this section is nontransferable and shall terminate if:
- a. The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.
 - b. Any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked.
 - c. The facility fails to comply with requirements set forth in this Code.

(c) *Review Process.* In addition to other information required by this Code, the following information must be submitted with the business license application for a residential facility. Additional information may be requested to aid in that review.

- (1) A statement of the specific type of facility (as defined by State regulations) the applicant seeks to operate and by which State agency it is regulated.
- (2) The number of residents and resident staff who will live at the residential facility.
- (3) The complete name of the business, the type of business entity and whether the business is a for-profit or nonprofit organization.
- (4) The typical or average length of stay of the residents.

(d) *Development Standards.* The development standards set forth in this subsection shall apply to any residential facility for elderly persons or residential facility for persons with a disability.

- (1) *Building, Safety, and Health Regulations.* The facility shall comply with building, safety, and health regulations applicable to similar residential structures within the residential zone in which the facility is located.
 - a. Each facility shall be subject to the same development standards applicable to similar residential structures located in the same zoning district in which the facility is located.
 - b. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.
- (2) *No Dangerous Persons Permitted.* No facility shall be made available to an individual whose tenancy would:
 - a. Constitute a direct threat to the health or safety of other individuals.
 - b. Result in substantial physical damage to the property of others.
- (3) *Day Treatment and Outpatient Treatment.* Any such facility may seek an approval from the Planning Commission which would allow day treatment and/or outpatient treatment if the following measures have been taken to ensure the facility will not alter the fundamental character of the neighborhood:
 - a. The facility has direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
 - b. The facility is located on the same block or within 800 feet of an institutional care facility.
 - c. The facility has enough off-street parking to accommodate each staff member, van/ carpool parking, and each outpatient client.

- d. All day treatment clients are transported to the residential facility for disabled persons from a separate facility using a van/carpool.
 - e. The maximum number of day and outpatient treatment clients will not exceed eight at any one time as permitted by the Building Code.
 - f. The facility is licensed for all three different activities by both the City and the State.
 - g. The facility meets all Building, Fire, and Life Safety Codes.
 - h. Any approval is subject to periodic review or review upon legitimate complaint. If, upon review, the facility is found to be out of compliance with these criteria, the approval may be revoked.
- (4) *Prohibited.* A residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood is not allowed.
- (e) *License and Certification.* Prior to occupancy of any facility, the person or entity operating the facility shall:
- (1) *State License.* Provide to the City a copy of any license or certification required by the Utah State Department of Health or the Utah State Department of Human Services, including any policies and procedures that are required under state law.
 - (2) *Certification Requirements.* Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
 - a. Constitute a direct threat to the health or safety of other individuals.
 - b. Result in substantial physical damage to the property of others.
 - (3) *City License.* Obtain a Sandy City business license, if required.
 - (4) *Compliance/Renewal.* Any such facility must comply with all Federal, State, County, and City regulations. At the time of renewal, the applicant must provide copies of all necessary certifications/recertifications or licenses as required by State regulations.
- (f) *Accommodation Request.*
- (1) *Reasonable Accommodation Required.* In accordance with the Americans with Disabilities Act, the Fair Housing Act, Fair Housing Amendments Act and applicable law, none of the requirements of this section shall be interpreted to limit any accommodation which is reasonable and necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
 - (2) *Request for Accommodation.* Any person or entity may request an accommodation after being informed that an existing or proposed:
 - a. Residential facility for persons with a disability; or
 - b. Business license application or building permit application for a residential facility for persons with a disability, does not comply with the requirements of this title. The application and required fees shall be submitted to the Director, shall articulate in writing

the nature of the requested accommodation and the basis for the request, and shall include all other information relevant to the request. The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties.

(g) *Review and Hearing Process.* A Hearing Officer with demonstrated experience as a Hearing Officer and knowledge of the Americans with Disabilities Act or Fair Housing Act, shall be appointed by the Mayor with the advice and consent of the City Council, to review the request for accommodation. Additional information may be requested by the Hearing Officer to aid in that review.

- (1) *Hearing Officer Scheduling of Hearing.* The Hearing Officer shall review the request for accommodation within ten days after receipt of the written request by the Director. The Hearing Officer shall determine whether additional information is needed from the Director, the person or entity making the request, or both.
 - a. If additional information is needed, the Hearing Officer shall notify the Director and the person or entity making the request within 21 days after receipt of the written request by the Director. The Director and requesting person or entity shall have seven days to submit the requested information, or such reasonable additional time as approved by the Hearing Officer. The Hearing Officer shall determine within three days after receipt of additional information whether the submission is responsive to the Hearing Officer's request.
 - b. If no additional information is needed or if the Hearing Officer receives the requested additional information, the Hearing Officer shall schedule a hearing. The Hearing Officer shall provide written notice of the hearing date and time to the person or entity requesting the accommodation and the Director. Unless otherwise agreed to by the person or entity requesting the accommodation and the Director, the Hearing Officer shall hold the hearing within 14 days after the Hearing Officer determines that all requested information has been received and no additional information is needed. Unless agreed upon by the person or entity requesting the accommodation and the Director, the hearing shall be held no more than 45 days after receipt of the request by the Director. If the Hearing Officer has not received all requested information at that time, the Hearing Officer may continue the hearing or deny the request based on insufficient information.
- (2) *Findings.* The Hearing Officer shall make a determination and prepare written findings within seven days after the hearing.
 - a. At a minimum, the written findings shall address the following issues:
 1. Whether the requested accommodation is reasonable;
 2. Whether the requested accommodation is necessary for financial and therapeutic viability;
 3. Whether the facility with the requested accommodation is or is not likely to create a fundamental change in the character of the residential neighborhood; and
 4. Other findings in support of the Hearing Officer's determination.

- b. The Hearing Officer shall mail a copy of the written determination and findings to the Director and the person or entity requesting the accommodation, along with a letter notifying the Director and the person or entity requesting the accommodation that the decision is final and may be appealed to a court of competent jurisdiction.
 - c. The Hearing Officer shall forward a copy of the decision to the Mayor, the City Recorder and the City Council.
- (3) *Appeal.* The determination of the Hearing Officer shall be final and may be appealed to a court of competent jurisdiction.

(h) *Exemptions.* A residential facility for persons with a disability shall not include facilities which house persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

(LDC 2008, § 15A-11-08; Ord. No. 10-04, 2-19-2010; Ord. No. 17-14, exh. A(15A-11-08), 6-21-2017)

State law reference—Regulation of residential facilities for persons with disabilities, U.C.A. 1953, § 10-9a-516.

Sec. 21-11-9. Half-Pipe Ramps in Residential Districts.

(a) *Residential Zones.* Half-pipe ramps may be allowed as a conditional use. The following is required for review prior to approval of a half-pipe ramp as a conditional use in any residential zone:

- (1) *Drawings.* Drawings showing the scale, design, and materials of which the half-pipe ramp is to be built. This is to evaluate the noise, vibration, and nuisance impact of the half-pipe ramp.
- (2) *Description.* A written description of the materials and location of all screening to evaluate the half-pipe ramp's impact upon and harmony with adjacent properties.
- (3) *Lighting.* A written description of the scale, location, and direction of all lighting.
- (4) *Rules.* A set of written rules which will govern the use and operation of the half-pipe ramp.
- (5) *Neighborhood Notification.* The names and addresses of all property owners within 300 feet of the proposed half-pipe ramp, proof that all such owners have been notified of the proposed half-pipe ramp, have had an opportunity to comment, and a written statement indicating any comments received by the applicant from them.
- (6) *Affidavit.* A written statement that the owner has reviewed all laws, ordinances and regulations related to half-pipe ramp construction and use and a written agreement to comply therewith.

(b) *Conditional Use Review.*

- (1) After receipt of the submittals required by Subsection (a) of this section, the Planning Commission shall review the proposal and may thereafter approve the proposed use as a conditional use only if and so long as:
 - a. The proposal complies with all applicable building and zoning regulations and will not likely constitute or cause any of the following:
 - 1. Does not cause a public nuisance or other illegal use under state or local laws or Health Department rules and regulations.

2. Does not cause a fundamental change in the character of a residential neighborhood.
 3. Does not cause adverse impacts greater than typical of permitted residential uses in the zone.
- (2) The Planning Commission may hold a public hearing or meeting to consider the proposal prior to his decision. Any person aggrieved by the Planning Commission's decision may request review by the Sandy City Council which decision shall be final.

(c) *Development Standards.*

- (1) *Design.* Every proposed half-pipe ramp shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe ramp may be located below ground level, but in no case shall any portion of the half-pipe ramp exceed six feet in height above ground level, excluding handrails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m. during standard time, and 8:00 a.m. to 9:00 p.m. during daylight savings time.
- (2) *Screening.* Walls, fences, hedges, trees, and other screen planting shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development.
- (3) *Lighting.* Half-pipe ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents.
- (4) *Personal Use.* No commercial or advertised use of the half-pipe ramp shall be permitted, and no donations or contributions shall be solicited or received for use or attendance at half-pipe ramp activities.
- (5) *Rules.* Written rules have been adopted by property owners to ensure safe and reasonable use and operation of the half-pipe ramp.
- (6) *Agreement to Comply.* Property owners have reviewed the laws, ordinances, and regulations related to half-pipe ramp construction and use and have agreed to comply with such provisions.
- (7) *Compliance to Codes.* The proposed half-pipe ramp shall comply with all pertinent sections of the International Building Code and all zoning requirements, including side and rear yard setbacks and size regulations for accessory structures.
- (8) *Penalty.* It shall be a Class C misdemeanor for any owner of residential property upon which a half-pipe ramp is located to permit the half-pipe ramp to be used in violation of any ordinance of Sandy City or any rule or regulation of the Salt Lake Valley Health Department, regardless of whether the property owner had knowledge of the actual violation.

(LDC 2008, § 15A-11-09; Ord. No 15-25, 7-21-2015)

Sec. 21-11-10. Swimming Pool Regulations.

(a) *Private Swimming Pools.* Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than 36 square inches except for gates, which shall be equipped with self-closing and self-latching devices.

(b) *Semi-Private Swimming Pools Special Exception.* The Planning Commission may grant a special exception to temporarily or permanently use land in any district for semi-private swimming pools or recreational facilities providing that in all cases the following conditions are met:

- (1) The facilities shall be owned and maintained by the members and a minimum of 75 percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- (2) The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking, where required by the Planning Commission. A landscaped front yard of not less than 30 feet and a landscaped side yard on both sides and rear of not less than ten feet is required.
- (3) The area to be developed into a recreational area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- (4) A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than six feet and no more than eight feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front setback, unless otherwise approved by the Planning Commission.
- (5) Under no condition may any type of retail or business facilities, including vending machines, be permitted in the recreational area except those specifically approved by the Planning Commission.
- (6) Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the Planning Commission. Together with the plans, there must be submitted a detailed outline showing how the area is to be funded, managed, and maintained. The Planning Commission may require a bond by the owners to guarantee performance of the regulations placed as conditions upon which the area is approved. If any of the requirements are not complied with, the authorization will be void.
- (7) The owners of the proposed recreational facility must have a statement from the owners of all abutting properties and at least 75 percent of the property owners within a radius of 300 feet of said development giving permission to develop a recreational facility. Covenants and conditions regulating the use of the facility shall be submitted to the Planning Commission and the Salt Lake Valley Health Department for review and approval.

(LDC 2008, § 15A-11-10)

Sec. 21-11-11. Bed and Breakfast Facilities.

This section is established to provide regulations and site standards for bed and breakfast facilities within residentially zoned districts as may be allowed through the development review process. Bed and breakfast facilities may be allowed by conditional use permit where the applicant can show evidence of compliance with outlined standards and procedures and where there is clearly minimal impacts on adjacent residential properties and neighborhoods.

- (1) *Requirements for Approval.*
 - a. A conditional use permit may be granted by the Planning Commission for a bed and breakfast facility provided the requirements herein are met. The granting of a conditional use permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.

- b. The following pre-conditions and documentation are required:
 - 1. A letter of application sworn before a notary public shall be provided by the owners stating that such owners or live-in residential manager will occupy the facility except for bona fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.
 - 2. The effective period of the conditional use permit for bed and breakfast facilities shall be two years from the date of the original permit. At the end of every two years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner or live-in residential manager, and that all other conditions required at the time of approval remain unchanged. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use permit. The Planning Commission, at its discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use permit.
 - 3. Building plans or a floor plan (one-fourth inch to the foot) showing the bed and breakfast facility shall be provided.

(2) *Development Standards and Requirements for Bed and Breakfast Facilities.*

- a. The owners of the property or live-in residential manager shall live within the facility, except for bona fide temporary absences.
- b. The location of a bed and breakfast facility shall have direct access to an arterial or collector through street. Said facility will typically be isolated somewhat from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.
- c. The location of a bed and breakfast facility shall be at least one-fourth mile from any other similarly approved facility, unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.
- d. The bed and breakfast facility shall be located on a larger parcel than a typical residential lot. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc. In no case shall the parcel be less than one-half acre in size, unless it is determined by the Planning Commission that the site is architecturally or historically significant enough to justify a smaller parcel.
- e. The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Unique architecture is encouraged, where possible, in keeping with the local area.
- f. Signage for a bed and breakfast facility shall be low key, identifying the name of the facility without any advertising copy. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Sign size shall be no more than four square feet.

- g. The Planning Commission may require additional setbacks, buffering, landscaping, and natural setting to mitigate impacts on adjoining residential properties.
- h. At least one off-street parking space shall be provided for each guest room in addition to needed parking for owners/employees of the facility.
- i. The design and size of the bed and breakfast facility shall conform to all applicable standards in the Fire, Building, and Health Codes. The facility shall be licensed in conformance with all City ordinances.
- j. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission.

(LDC 2008, § 15A-11-11)

Sec. 21-11-12. Commercial Schools (Low-Impact).

(a) *Permitted Locations.* Commercial schools (low-impact) are allowed according to the commercial and residential land use matrices and all must comply with the following restrictions:

- (1) The proposed use must have direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
- (2) The appearance of the structure shall be compatible to other uses within the same zoning district.
- (3) Occupancy shall be limited to no more than two instructors and a total of 20 students at any one time. However, the number of instructors may be increased up to four, and/or the number of students may be increased up to a total of 30 students if it is found by the Planning Commission that the site can adequately contain the required parking while still meeting the requirements of Subsection (a)(4)b of this section, and if such allowance does not adversely impact the surrounding neighborhood.
- (4) **Required Parking.**
 - a. Required parking shall consist of at least one space for each instructor, four visitor spaces, and four queuing spaces.
 - b. In addition, one visitor space is required for every five students or portion thereof allowed beyond the first 20 students.
- (5) An on-site drop-off area shall be provided.

(b) *Commercial Schools Unable to Meet Criteria.* Any commercial school (low-impact) which cannot meet the above criteria must meet the standard location and use allowances for commercial school as shown in the land use matrices.

(LDC 2008, § 15A-11-12)

Sec. 21-11-13. Exposition/Convention Centers.

(a) *General.* This section provides specific standards for certain uses which are permitted or are operated as accessory uses as part of an exposition/convention center. All uses are not allowed unless the standards described in this section are met.

(b) *Standards Applicable to All Activities.*

- (1) No temporary signage is permitted within the landscape area along street frontages. The exposition/convention center electronic message board signs shall be the primary street identification for shows and activities within the facility.
- (2) Temporary banners may be affixed above approved designated entrances to assist in directing patrons to a specific exhibition hall.
- (3) Admittance to any activity, regardless of time extension, shall cease at 12:00 midnight Sunday through Thursday, and shall cease at 1:00 a.m. for Friday and Saturday. No activity, including private meetings, shall extend beyond these hours unless otherwise approved as permitted in Subsection (c)(3) of this section for extended hours.
- (4) Outdoor uses (e.g., sales, display, sporting events, or activity areas) that occupy required parking areas shall ensure that adequate parking is provided. A detailed Parking Plan shall be submitted and approved by the Community Development Department to ensure that adequate parking is provided. The Parking Plan may include areas that are off-site provided a shuttle service is provided. The shuttle service is required to operate one-half hour after the event.
- (5) In addition to all other necessary licenses and permits, all vendors who sell or contract to sell a product or other taxable service shall obtain a temporary sales tax number indicating Sandy City as the point of sale. Temporary sales tax licenses (aka special event permit, issued by the State Tax Commission) shall be made available upon demand to an authorized representative of the Business License Office or Utah State Tax Commission.
- (6) The promoter of an event shall provide, upon demand, a list of all participating vendors to an authorized representative of the Sandy City Business License Office or to an authorized representative of the State Tax Commission. The format of the list (electronic, paper, etc.) shall be provided in a manner acceptable to the agency placing the demand.
- (7) Outdoor sales or consumption of alcohol is prohibited.
- (8) Pornographic material or performances are prohibited. Any material or performance is pornographic if considered, as a whole, applying contemporary community standards.
- (9) Distribution or posting of handbills upon vehicles or upon the site is prohibited.
- (10) The sponsor of a function is responsible to provide appropriate indoor and parking lot security for private meetings and functions. Proper supervision of patrons is required. The sponsor must comply with all City and state laws governing alcohol sales and consumption.

(c) *Additional Standards for Specific Activities.* In addition to the above standards, the following requirements apply to the following activity classifications:

- (1) *Outdoor Activities (e.g., vehicle shows/sales, sporting events, product demonstrations).*
 - a. Outdoor sales and attendance by the general public to the outdoor portion of any show shall be restricted to 9:00 a.m. to 9:00 p.m.
 - b. No outdoor sporting event shall continue after dusk (one-half hour after sunset) or 8:00 p.m., whichever is earlier.
 - c. Outdoor displays and booths are permitted only in designated areas.
 - d. No outdoor display or booth shall occupy a required parking area unless an appropriate Parking Plan has been submitted and approved by the Director.
 - e. No outdoor display shall create noise or odor in violation of applicable noise and health ordinances.
 - f. No outdoor event shall take place within the area for loading/unloading activities or adjacent to residential areas.
- (2) *Concerts (Live or Broadcast) and/or Dances.*
 - a. For concerts, ticketed, assigned, and fixed seating are required. Unassigned or non-fixed seating (also known as festival seating) is not permitted.
 - b. One security guard per 200 individuals attending must be provided unless otherwise required by the Police Department or facility management.
 - c. Emergency medical personnel must be provided on-site as required by the Fire Department.
 - d. All doors of the facility that are adjacent to a residential area must be closed during a performance.
 - e. Live bands are prohibited from warming up or performing in outdoor areas adjacent to residential areas.
 - f. No loitering in the parking lot by patrons is allowed. Security must also patrol any parking areas to prevent patrons from loitering in the parking lot.
 - g. All laws and ordinances for curfew for individuals under the age of 18 must be obeyed.
 - h. The business license permit for a concert and/or dance shall be submitted to the Community Development Department at least 15 business days before the proposed event may take place. For a complete application, the applicant shall submit a letter of approval from the Sandy City Police and Fire Departments and the South Towne Expo Center Administration.
- (3) *Extended Hours Past 12:00 Midnight (Sunday through Thursday) and/or 1:00 a.m. (Friday and Saturday).* A separate permit shall be required from the Director for extended hours. No more than three permits for extended hours for the facility shall be issued in a calendar year (January through December). This is not to be interpreted to mean three separate permits per event

operator. Three is the total number permitted per year for the entire facility. An approval letter from the South Towne Expo Center Administration shall be submitted with the permit for extended hours.

- a. Admittance to any activity, regardless of time extension, shall cease at 12:00 midnight Sunday through Thursday, and shall cease at 1:00 a.m. for Friday and Saturday.
- b. In no instance may a permit be granted for operation of any activity beyond 2:00 a.m.
- c. All laws and ordinances for curfew for individuals under the age of 18 must be obeyed.
- d. No loitering in the parking lot by patrons is allowed. Security must also patrol parking areas to prevent patrons from loitering in the parking lot.
- e. All doors of the facility that are adjacent to a residential area must be closed during the activity.
- f. Time for the set-up and take-down of indoor events may be approved beyond the approved extended hours. When adjacent to residential areas, loading/unloading activities shall comply with applicable noise ordinances.

(LDC 2008, § 15A-11-13)

Sec. 21-11-14. Temporary Uses.

(a) *Purpose and Intent.* The purpose and intent of the temporary use permit is to allow certain uses, within Sandy City, which are transitory or seasonal in nature, in a manner that will assure compatibility with the zone district and adjacent properties. A temporary use, which is subject to the following provisions, is typically a commercial business venture for which a business license is required and which is conducted on private property. A special event, which is governed by policy, is generally an event which is not required to obtain a business license and is conducted on public property.

(b) *Standards for All Temporary Uses.*

- (1) A temporary use shall comply with the following general standards, with two exceptions listed in Subsection (b)(2) of this section:
 - a. No more than two temporary uses are allowed per site at one time. Each temporary use is limited to two structures (e.g., tent and storage container).
 - b. Sanitary facilities shall be available for waste disposal for the protection of community health and safety. Any time portable toilets are going to be used, the applicant must submit an executed sanitary contract to the City wherein it states that the toilets will be serviced no less than a bi-weekly basis.
 - c. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses.
 - d. Hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
 - e. Signs must comply with the City-adopted sign regulations.

- f. A use and/or display may not be placed within the public right-of-way or on any landscaped area. Produce stands may be located on the landscaped area subject to Subsection (b)(1)h of this section.
- g. Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.
- h. All temporary use businesses, including all facilities and/or structures, shall be cleared off the site within two days after the license expires.
- i. In authorizing a temporary use, the Community Development Department shall impose such additional requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this section.

(2) Exceptions:

- a. Produce stands (sale of fruits and vegetables that have been produced on the same site as the temporary sales) are required to comply only with Subsections (a)(1)f through i of this section; and
- b. A temporary use permit to be approved by the City Engineer and Director for construction trailers, staging areas, and equipment sheds. Said uses may utilize or occupy vacant, unimproved, or improved properties, staging areas, or projects that are under construction.

(c) *Development Standards for temporary Uses Located Upon Vacant Properties (Other Than for Uses Outlined in Subsection (b)(2)b of this Section).* Before any temporary use is approved to locate in a vacant lot (no currently licensed business with a permanent structure on-site), the property owner, or authorized agent, must submit a site plan to be approved by City staff. The site plan shall be drawn to a standardized scale that identifies the location of all proposed structures with setbacks indicated on the plan. The following improvements are required for each site:

- (1) An all-weather surface parking lot approved by the City Engineer and Fire Marshal to include other materials approved for safety specifications as approved by staff.
- (2) Curb, gutter, and sidewalk on all street frontages, that Sandy City has jurisdictional control over approved by the City Engineer, or provide a Safety Plan that provides safe pedestrian pathways and restricted vehicle access points to be approved by staff.
- (3) An approved fire hydrant within 200 feet of any building or facility on-site that meets International Fire Code standards.
- (4) An approved dedicated right-of-way access point to a public road.
- (5) Site must be able to manage all stormwater on-site. All temporary use permits shall be reviewed by the Public Utilities Department to ensure compliance with the Groundwater Source Protection Ordinance.
- (6) Fifteen feet of landscaping, including acceptable xeriscape designs, that is maintained along the entire frontage adjacent to a public right-of-way (unless the site has gone through a previous site

plan approval process and is now legal nonconforming relative to landscaping). The plan shall include the location of an approved water meter, including any installation requirements from the Public Utilities Department.

(d) *Temporary Use Permit Required.* A temporary use permit and business license, where applicable, shall be required for the following:

<i>Temporary Use Type</i>	<i>Location Standards</i>	<i>Duration</i>
<i>Temporary Use Permit Required Without a Business License</i>		
Produce stands: Includes goods grown on-site and sold primarily for consumption (e.g., fruits and vegetables)	The sale of produce must be located on the same property on which the goods were grown	Growing season (generally the summer months)
Construction office, staging areas and equipment sheds	Permitted in all zones	Allowed on a site until final inspections of the project are completed
Temporary Use Permit and Business License Required		
Farmer's market (sale of produce that is not necessarily grown on-site)	Permitted only on parcels or within developments larger than five acres in size. A farmer's market may also include a not for-profit activity (provided the site can accommodate such an activity) such as non-mechanical rides, bounce houses, slides, etc., during the farmer's market	May not begin prior to June 1 and must terminate by November 1. Requires a new permit annually
Road side stands and Temporary retail sales: Includes Christmas tree lots, firework stands, snow shacks, ice cream vendors, antique, rug, art, produce, or plant sales or other similar retail uses	Allowed if the use is permitted in the zone and is secondary to the principal use. A road side stand and temporary retail sales may also include a not for-profit activity (provided the site can accommodate such an activity) such as non-mechanical rides, bounce houses, slides, etc., during the temporary use	No more than 150 licensed days per site each calendar year (i.e., two businesses licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premises at the same time or not)
		If located on a lot without a currently licensed business in a permanent structure, there is a limit of 120 calendar year, including setup and take down time
Festivals, including bazaars, fairs, etc. A festival, as defined in this section is a not for-profit activity or event that may include shows, games, non-mechanical rides, concessions, or any combination thereof	Permitted in residential or nonresidential zones and in conjunction with institutional buildings only when associated with a permanent business, charitable nonprofit organization, or governmental entity	15 consecutive days in a calendar year per applicant
Temporary trailer for retail sales and/or office space	Permitted upon issuance of a building permit for a permanent structure and facilities on the affected site. Shall also include installation of adequate temporary parking	Maximum temporary use permit period shall be 12 months. The permit may be renewed and extended upon Planning Commission review up to six month increments

(e) *Application for Temporary Use Permit.* An application for a temporary use permit shall be made to the Community Development Department, in conjunction with a business license, when applicable, at least ten days prior to the date of requested use. No temporary use permit shall be issued more than 180 days prior to the start of the temporary use period. The Department may issue or deny the application for a temporary use permit.

(1) *Information Required for Application.* An application for a temporary use permit shall be accompanied by the following information:

- a. *Description.* A written description of the proposed use, including requested length of permit and hours of operation.

- b. *Authorization for Use.* If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.
 - c. *Site Review.* A vicinity map and plot plan with sufficient information to determine the primary use of the property and the required site requirements, sanitary facilities and availability of parking to serve the uses.
- (2) *Insurance/Bond Required.* The following insurance policies and/or bonds shall be posted:
- a. *Public Property.* All temporary uses that utilize public property shall obtain a general liability insurance policy which names the City as an additional insured, and which is not less than the current damage caps set forth in the Utah Governmental Immunity Act.
 - b. *All Temporary Uses.* All temporary uses shall post a \$1,000.00 bond, to ensure clean-up of the property, as required in Title 15. If an itinerant business is located on the premises of a shopping mall or center or other such permanent commercial building, the owners of the mall or building may, at their option, provide a cash or surety bond in the amount of \$2,000.00, in lieu of individual merchants posting a \$1,000.00 bond.
- (f) *Revocation of Temporary Use Permit.*
- (1) *Authority.* A temporary use permit may be revoked by the Director in accordance with the provisions of this section, if the recipient of the permit fails to develop or maintain the property in accordance with the plans submitted, the requirements of the title, or any additional requirements lawfully imposed in connection with the issuance of the temporary use permit.
 - (2) *Notice.* Before a temporary use permit may be revoked, written notice of the decision to revoke shall be given to the permit holder. The notice shall inform the permit holder of the grounds for the revocation and advise the permit holder that the revocation shall be effective 30 days for the date of the notice unless, before the revocation date, the permit holder either:
 - a. Demonstrates to the satisfaction of the Director compliance with the requirements of the zoning certificate; or
 - b. Files an appeal of the Director's decision to revoke pursuant to Subsection (f)(4) of this section.
 - (3) *Effect of Revocation.* No person may continue to make use of land or buildings in the manner authorized by any temporary use permit after such permit has been revoked in accordance with Subsection (f)(4) of this section.
 - (4) *Appeal.* Revocation of a temporary use permit by the Director may be appealed to the Board of Adjustment in accordance with the provisions of this title.
- (LDC 2008, § 15A-11-14; Ord. No. 12-17, 5-29-2012; Ord. No. 13-06, 2-4-2013)

Sec. 21-11-15. Garage Sales.

The following standards shall apply to all garage sales at residences within Sandy City:

- (1) *Frequency.* There shall be no more than three garage sales at a residence per calendar year. The calendar year is defined as January 1 through December 31. Garage sale events must be separated by at least a 14-day period.

- (2) *Duration of Sale.* A garage sale is permitted for a period no longer than 48 consecutive hours.
 - (3) *Location of Garage Sale.* The garage sales shall be located at the actual residence of the owner of the materials to be sold. At a neighborhood garage sale event (i.e., three through five neighbors pool their belongings into a super garage sale), the materials must be located at the residence of only one of the participating sellers.
 - (4) *Goods to be Sold.* The items that are permitted to be sold must be used items from that residence. Items purchased or obtained from other locations with the intent to be resold at a garage sale are prohibited and a violation of this section.
 - (5) *Temporary Sales.* Temporary sales within commercial areas are permitted as regulated elsewhere in this title.
- (LDC 2008, § 15A-11-15)

Sec. 21-11-16. Model Homes.

The following standards shall apply to all model homes within Sandy City:

- (1) *Location.* Model homes are only allowed within City-approved and -recorded residential developments of five units or more. They must be located on a platted lot or site within the advertised development.
 - (2) *Duration.* Model homes may be operated for no more than two years from first occupancy of a dwelling unit in the development or until the second to last unit is sold within the advertised development, whichever comes first. The Director may approve an extension on a case-by-case basis.
 - (3) *Advertising.* Model homes may not advertise properties located in another subdivision or property located off of the development site.
 - (4) *Construction Standards.* Model homes must comply with all standards and conditions of approval for the advertised development, including building materials, setbacks, landscaping, etc., and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.
- (LDC 2008, § 15A-11-16)

Sec. 21-11-17. Sexually Oriented Businesses.

(a) *Purpose.* It is the purpose and objective of this section that the City establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies in areas deleterious to Sandy City; to regulate the signage of such businesses; and to control the adverse effects of such businesses and signage. This section is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the limitations provided by provisions of the United States of America and Utah Constitutions.

(b) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Gateway* means 9000 South Street as it begins at the western-most boundary continuing east to State Street and 10600 South Street as it begins at the western-most boundary continuing east to State Street; 11400 South Street as it begins at the western-most boundary continuing east to State Street; State Street as it begins at the City's northern-most boundary continuing south to the City's southern-most boundary; 700 East Street as it begins at the City's northern-most boundary continuing south to the City's southern-most boundary; and 1300 East Street as it begins at the City's northern-most boundary continuing south to the City's southern-most boundary.

(c) *General Provisions.*

- (1) Sexually oriented businesses, escort agencies, outcall service agencies and semi-nude dancing agencies shall be permitted only in areas zoned ID and be subject to the following restrictions:
 - a. No sexually oriented business, escort agency, outcall service agency or semi-nude dancing agency shall be located:
 1. Within 1,000 feet from any school, public park, library, or religious, or cultural activity.
 2. Within 500 feet of any other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.
 3. Within 600 feet from an agricultural or residential use or residential zoning boundary. For the purposes of this subsection, the measurement from an agricultural or residential use shall begin at the property line of such use.
 4. Within 150 feet of the 9000 South Street gateway, the distance shall be measured from right-of-way boundary.
 5. No property within 800 feet of the Interstate 15 freeway right-of-way boundary. This includes an entire parcel of property any portion of which is within 800 feet of the Interstate.
 - b. Distance requirements from structures for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the structure of the school, public park, religious or cultural activity, residential use, or other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.
 - c. Distance requirements from zoning districts for this section 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 sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.

- (2) All existing legal nonconforming sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies on the effective date of the ordinance from which this section is derived, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

(d) *Signage.* Notwithstanding anything contrary contained elsewhere in this title governing sign regulations, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies shall be limited as follows:

- (1) No more than one exterior sign shall be allowed.
- (2) No sign shall be allowed to exceed 18 square feet.
- (3) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- (4) No photographs, silhouettes, drawings or pictorial representations of any manner shall be allowed on any sign. Said signs may contain only the name of the enterprise.
- (5) Only flat signs shall be permitted.
- (6) Painted wall advertising shall not be allowed.
- (7) Other than the signs specifically allowed by this section, the escort agency, outcall service agency, and semi-nude dancing agency shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

(e) *Severability.* If any provision or clause of this section or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provisions, clause or application hereof, and to this end the provisions and clauses of this section are declared to severable.

(LDC 2008, § 15A-11-17)

State law reference—Municipal regulation of sexually oriented businesses, U.C.A. 1953, § 10-8-41.5.

Sec. 21-11-18. Standards for Church Development for All Zones.

(a) *Development Standards.*

- (1) *Location of Sites.* All church sites should be located adjacent to streets which are a minimum of 60 feet wide. No church should be located where access is less than the above, except for churches which can show that members will come from the local neighborhoods so that traffic impacts are lessened.
- (2) *Access.* It is preferred that churches be located where there is access to two streets (corner lots) unless otherwise approved by the Planning Commission.

- (3) *Parcel Size.* No minimum parcel size is required; however, the parcel chosen for a church must be adequate to meet all of the development standards to be listed below that include, but are not limited to, setbacks, landscaping, parking, improvements, and dedications.
- (4) *Building Setbacks (Except as May be Approved in Chapter 21-14).*
 - a. *Commercial Zone.*
 1. Front: 30 feet from property line. (If project fronts on more than one street, setback applies to all street frontages.)
 2. Side and rear: minimum ten feet, unless located adjacent to a residential zone. In this case, the minimum setback to buildings must be 30 feet.
 - b. *Residential Zone.*
 1. Front: 30 feet from front property line. (If project is on a corner lot, setbacks are 30 feet on one street and 20 feet on the other.)
 2. Side and rear: follow setbacks required according to the zone the property is in. A greater setback may be needed as may be deemed necessary by the Planning Commission by larger structures.
- (5) *Building Height.* Maximum building height shall follow zoning that the project is in. Thirty-five feet is the maximum height in a residential zone or in any zone adjacent to a residential zone (not including chimneys, steeples and the like).
- (6) *Landscaping Setbacks.*
 - a. Front: 30 feet minimum from property line. (If on a corner lot in a residential zone, 20 feet on shorter setback side.)
 - b. Sides and rear: five feet minimum.
 - c. Landscaping in the front areas shall also include the parkstrip adjacent to the curb, including grass and street trees (minimum two-inch caliper and spaced 30 feet on center).
 - d. Landscaping shall also be required within the parking lot itself where large expanses of asphalt occur. There shall be a minimum of one ten-foot-wide planter within the parking lot area where over 125 linear feet of asphalt occurs.
- (7) *Fencing.*
 - a. As a general rule, fencing shall follow that of the surrounding area. However, chainlink fencing is not acceptable unless prior Planning Commission approval is granted. In cases where chainlink fencing is approved, vinyl coated chainlink mesh will be required.
 - b. Acceptable fence types shall include vinyl, pre-cast concrete, decorative iron, architecturally designed brick or block, or structural wood fences with square tube metal posts with tongue-in-groove redwood siding and redwood for all other wood members.
- (8) *Parking.*
 - a. All parking for church facilities shall be on-site. No parking is allowed on the street.
 - b. No parking is permitted within the front landscape setback.

(9) *Trash Enclosures and Accessory (Maintenance or Storage) Buildings.*

- a. All trash bins shall be surrounded with six-foot-high masonry (or pre-cast) enclosures to match the main building with solid metal gates. Trash enclosures may be combined with accessory (maintenance or storage) buildings. The setback of such structures shall be at least the same as the minimum required front landscape setback, but in no case shall trash enclosures be located any closer than ten feet to a residential district lot line or five feet to a commercial district lot line.
- b. Accessory (maintenance or storage) buildings shall be built of the same materials as the main building (siding and roofing) so as to blend in with the entire project. Minimum setbacks to the front property lines shall be the same as the main building. Buildings adjacent to a side or rear property line (other than a street side of the property), which are built of one-hour fire rated construction, can be considered an accessory structure and may be set back as close as three feet to a side or rear property line.

(10) *Lighting.* All lighting for church buildings, parking lots, and accessory uses, if applicable, shall be downlit and minimize any adverse impact on adjacent residential areas.

(b) *Ancillary Uses.*

- (1) Ancillary uses such as parks, ball diamonds, pavilions, etc., shall not count towards landscaping on the church site but shall stand alone and be considered as a separate site and subject to separate conditional use approval. Any such ancillary uses are subject to, but not limited to, the standards of this section (if applicable).
- (2) An on-site, church-operated day care will be considered a permitted ancillary use provided there is enough parking on-site to accommodate the number of children enrolled in the day care. The amount of parking is one space per instructor, plus drop-off space.

(c) *Procedure for Approval.*

- (1) Church facilities are conditional uses in all zones and as such require Planning Commission approval.
- (2) Upon receiving a conditional use approval from the Planning Commission, all church projects will proceed through the site plan review process with staff.

(LDC 2008, § 15A-11-18; Ord. No. 10-43, 12-14-2010)

Sec. 21-11-19. Mobile Food and Street Vendor Businesses.

(a) *Purpose.* This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the City, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.

(b) *General Requirements.* The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as a temporary use that are specifically regulated by this title.

- (1) *License Required.* No person shall operate a mobile food or street vendor business without first having obtained a business license from Sandy City in accordance with Title 15. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one year from the date of issuance.
- (2) *Prohibited Sales.* No alcohol shall be provided/sold from a mobile food business.
- (3) *Use of Public or Private Property (excluding public right-of-way).* Mobile food businesses and street vendors shall be allowed to operate on property within all commercial or industrial land use areas, in accordance with the provisions of this section. Each business shall abide by the following:
 - a. *Property Owner Approval.* Prior written consent from the property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
 - b. *Parking and Circulation.* Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.
 - c. *Vacant Lots.* Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site), the improvements outlined within this title for temporary uses are required for each site prior to operating business.
- (4) *Use of Public Right-of-Way.* Mobile food businesses and street vendors may be allowed to operate in the public right-of-way only in appropriate locations as determined by the City in accordance with the provisions in this section (such as Centennial Parkway). Each business seeking to operate within the public right-of-way shall abide by the following conditions and requirements:
 - a. *City Approval.* Written permission from the City to operate a business in the right-of-way is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.
 - b. *Parking and Traffic Regulations.* Mobile food businesses shall obey all on-street parking and traffic regulations as stated in state statute and/or City ordinances.
 - c. *Prohibited Parking Areas.* Parking on a sidewalk, parkstrip, or otherwise landscaped area is not allowed. Street vendors are exempt from this prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.

- d. *Parallel Parking Spaces.* Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
 - e. *Orientation of Vending Window.* The operator shall locate the vending window facing the sidewalk or on private property, unless the roadway has been closed to vehicular traffic for a public event.
 - f. *Parking for Primary Use.* No mobile food business shall create a parking issue for the surrounding primary uses.
 - g. *No Sales in Roadway.* No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
 - h. *Locations.* Mobile food businesses shall not operate on public streets where the speed limit exceeds 35 miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
 - i. *Certificate of Insurance.* When locating on public property, each applicant for a license or renewal under this section shall submit, with the application, a Certificate of Insurance executed by an insurance company or association authorized to transact business in this State, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than \$200,000.00 for personal injury to each person, \$500,000.00 for each occurrence, and \$500,000.00 for each occurrence involving property damage; or a single limit policy of not less than \$500,000.00 covering all claims per occurrence. Such policies shall also include coverage of all motor vehicles used in connection with the applicant's business and the coverage shall be primary. A current certificate of insurance shall be kept on file with the Business License Administrator at all times that the applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The Certificate shall contain a statement that the City will be given written notification at least 30 days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a Certificate of Insurance would be required for each vehicle.
 - j. *Indemnity Clause.* A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- (5) *Open Space Zones.* It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director. Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.

- (6) *Pedestrian Flow.* The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. The vendor must maintain clear, continuous sidewalk width of no less than four feet.
- (7) *Location Restrictions.* Mobile food businesses and street vendors must not be located within:
 - a. Ten feet of any fire hydrant;
 - b. Ten feet of any bus or transit stop;
 - c. Ten feet or one stall away from any handicap parking space or access ramp;
 - d. Ten feet from any curb cut;
 - e. Ten feet from any other mobile food business or street vendor;
 - f. Ten feet from any manhole or storm drain inlet;
 - g. 60 feet from any intersection or driveway; and
 - h. 1,000 feet from any private/public school K through 12 between the hours of 7:00 a.m. to 4:00 p.m., Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- (8) *Restrooms.* Access to restroom facilities shall be made available.
- (9) *Display of License, Inspections, and Registration.* The business license, Fire Inspection Certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance coverage, safety inspection, and vehicular registration.
- (10) *Multiple Locations.* The business may operate from several locations (both public and private) within the City under the same business license.
- (11) *Business Activity to be Temporary.* All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than 12 hours within any 24-hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7:00 a.m. to 10:00 p.m., unless approved by the Director if one or more of the following conditions are met:
 - a. The extended hours are part of an approved special event.
 - b. The location is a site that contains a business that has been approved for extended hours.
- (12) *Noise Ordinance.* Live music will not be performed, nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department Noise Ordinance.
- (13) *Drive-Thru Prohibited.* The business shall not have or operate as a drive-thru.

- (14) *Appearance.* The mobile food vehicle, trailer, or cart shall be kept in a good operating condition and no peeling paint or rust shall be visible.
 - (15) *Auxiliary Power.* Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
 - (16) *Illegal to Discharge in Storm Drain.* It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
 - (17) *Garbage.* All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
 - (18) *Signage.* Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of three inches by four inches. Signs shall not block or impede pedestrian traffic.
 - (19) *Professional and Personal Services Prohibited.* Professional or personal services shall not be provided from a mobile food business or street vendor.
 - (20) *Compliance Responsibility.* All vendors are subject to Sandy City sales tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.
- (c) *Additional Design and Operation Standards for Mobile Food Businesses.* Mobile food businesses shall comply with the following design and operation requirements:
- (1) *Canopy Regulations.* Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
 - (2) *Comply with Motor Vehicle Regulations.* Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.
- (d) *Additional Design Standards for Street Vendors.* Street vendor carts shall comply with the following design standards:
- (1) *Canopy Clearance.* Umbrellas or canopies shall be a minimum of seven feet and a maximum of ten feet above the sidewalk if they extend beyond the edge of the cart.
 - (2) *Canopy Size.* Umbrellas or canopies shall not exceed 100 square feet in area.

- (3) *Cart Size.* The cart shall not exceed 3½ feet in width and eight feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five feet.
- (4) *Non-Motorized Carts.* The cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.

(e) *Additional Design and Operation Standards for Mobile Food Courts.* A mobile food court, which consists of three or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis, is subject to the additional standards in this subsection. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate yearround on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the land use tables of this title. A mobile food court shall only be approved if it complies with the following design and operation requirements:

- (1) *Administrative Permit.* Temporary mobile food courts are allowed by administrative special use permit, in accordance with the provisions of this section and other applicable provisions in this title. Permanent mobile food courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in this title.
- (2) *Parcel Size.* A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
- (3) *Number of Food Vendors.* No more than ten individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
- (4) *Business License.* A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating vendor operating at a mobile food court location must have a participation license or their own business license. If individual vendors seek to operate in other locations in the City, they must obtain their own business license.
- (5) *Landscape Requirements.* All landscaping requirements shall be met prior to issuing a permit.
- (6) *Comply with Site Approvals.* The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
- (7) *Health Department Approval.* All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department requirements.
- (8) *Site Plan.* A site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.
 - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.

- c. The location of all existing and proposed activities on-site.
 - d. The circulation of all pedestrian and vehicle traffic on the site.
 - e. The location of restroom facilities to be used for the mobile food court.
 - f. The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.).
- (9) *Parking.* Parking for a mobile food court is required at a ratio of two stalls per mobile food business. This requirement may be modified or waived by the Director if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business pad is required. Alternatives to asphalt and concrete may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City rights-of-way.

(f) *Special Events.* The restrictions of this section notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

(g) *Grounds for Denial, Suspension or Revocation.* Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 15. Failure to comply may result in the suspension or revocation of a business license, and is a Class B misdemeanor.

(Ord. No. 17-30, § 1, 12-1-2017)

Sec. 21-11-20. Non-Depository Institutions.

Non-Depository Institutions are permitted as a conditional use within the Central Business District (CBD), Regional Commercial (RC), Boulevard Commercial (BC), Community Commercial (CC), Neighborhood Commercial (CN), Commercial Planned Unit Development (CR-PUD), Industrial (ID), and AutoMall Commercial (AM Commercial) Zoning Districts and subject to the following restrictions:

- (1) Shall not be located within 5,280 feet (one mile) of the same type of use inside or outside the Sandy City geographical boundaries. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.

- (2) Shall conform to the Architectural Design Standards as established by the City. In addition to these guidelines, the following will also be required:
 - a. The color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part.
 - b. At least 25 percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.
 - c. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
 - d. The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.
- (3) Shall conform to the sign regulations as described in this title.
- (4) Shall be limited to one non-depository institution per 10,000 in population, to include all residents in Sandy City and the Salt Lake County unincorporated islands within the City's geographical boundaries. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

(LDC 2008, § 15A-11-20)

Sec. 21-11-21. Satellite Dishes.

(a) *Scope and Applicability.* Earth station regulations shall apply to earth stations with a dish diameter over four feet in size. Earth stations with a dish diameter under four feet in size shall be regulated in the same manner as television antennas.

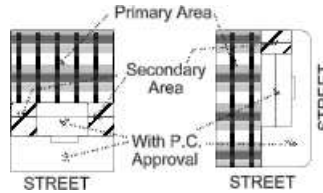
(b) *Location.*

(1) *Location of Earth Stations over Four Feet in Diameter in Residential Districts.*

a. *Ground-Mounted in All Residential Districts.*

1. *Maximum Height.* Maximum height from grade to the top of the dish shall be 12 feet. Any ground-mounted earth station with a height exceeding 12 feet shall be allowed only with a conditional use approval from the Planning Commission.
2. *Number Per Lot.* A maximum of one earth station structure shall exist at any one time on any residentially zoned property.
3. *Front Yard.* If there is no other alternative for the location, earth stations may be allowed in the front yard area only with a conditional use approval from the Planning Commission.
 - (i) Setback maximums from the public street shall be determined by the Planning Commission.
 - (ii) Applicants shall provide a site plan indicating the location of the earth station.
4. *Rear and Side Yards.* Earth stations shall be located in rear yards, where possible. If rear yards are not acceptable for proper reception of signals, the earth station may be located in either side yard.

5. *Corner Lots.* On corner lots, an earth station may be situated to the rear of the main dwelling and within the area between the main building and street when approved as a conditional use by the Planning Commission.
6. *Easements, Rights-of-Way.* No earth station shall be located on any legally recorded public utility easement or right-of-way.



7. *Multifamily.* One earth station shall be allowed per building. A second earth station may be allowed with conditional use approval from the Planning Commission.
- b. *Roof-Mounted in All Residential Zones.*
1. *Approval.* If the rear and side yards are deemed unacceptable for suitable signal reception, then roof-mounted earth stations may be permitted with conditional use review and approval from the Planning Commission. Such roof installations may be permitted by the Planning Commission under the following criteria:
 - (i) Roof-mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
 - (ii) An earth station shall not exceed a height determined appropriate by the Planning Commission. The height of the structure shall not exceed the maximum height limits established within the zone in which the earth station is to be located.
 - (iii) Evidence of wind loading and structural safety of the earth station shall be provided to the Planning Commission by the applicants.
 - (iv) An earth station mounted on a roof shall be located on the portion of the roof which is oriented to the rear yard rather than located on the portion of the roof visible from the street.
 - (v) Other criteria as deemed appropriate by the Planning Commission.
- (2) *Location of Earth Stations, over Four Feet in Diameter, in Commercial and Industrial Districts.*
- a. *Ground-Mounted in Commercial and Industrial Districts.*
 1. *Maximum Height.* Maximum height from grade to the top of the dish shall be 15 feet. Any earth station with a height exceeding 15 feet shall be allowed only with conditional use approval from the Planning Commission.
 2. *Number Allowed.* Two earth station structures shall be permitted at any one time per separate commercial or industrial business. More than two earth stations may be permitted with conditional use approval from the Planning Commission.

3. *Advertising.* No earth station shall display lettering or numbers for advertising purposes.
 4. *Rear and Side Yards.* An earth station in any commercial or industrial district shall be located in the rear or side yard area, if possible.
 5. *Front Yards.* An earth station may be located in the front yard provided the structure is not located in the minimum front landscape area, and the structure does not interfere with pedestrian or vehicular traffic.
 6. *Easements, Rights-of-Way.* No earth station shall be located on any legally recorded public utility easement or right-of-way.
- b. *Roof-Mounted in All Commercial and Industrial Zones.*
1. *Approval.* If the front, rear, and side yards are deemed unacceptable for suitable signal reception or pose a negative aesthetic or neighborhood impact, then roof-mounted earth stations may be permitted with conditional use review and approval from the Planning Commission. Such roof installations may be permitted under the following criteria:
 - (i) Roof-mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles which exceed the minimum height of mast required to mount the antennae to the roof, spires, or similar structures.
 - (ii) The height of a roof-mounted earth station located in any commercial or industrial district shall not exceed 12 feet above the highest point of the roof upon which the structure is located. Height increases over 12 feet may be approved by the Planning Commission as deemed appropriate. The roof-mounted earth station shall not exceed the maximum height limits established within the zone in which the earth station is to be located.
 - (iii) All roof-mounted earth stations shall be screened from view from adjacent streets and properties in the same manner as is required of all other roof-mounted equipment in this title. Said station shall not significantly change the architectural character of the structure.
 - (iv) Other criteria as deemed appropriate by the Planning Commission.

(LDC 2008, § 15A-11-21)

Sec. 21-11-22. Solar Equipment.

These regulations shall apply to all solar energy systems, private or public, to the extent that design review is not pre-empted by State or Federal law.

- (1) *Review and Standards.* Solar energy systems are allowed as an accessory use to the primary structure on a parcel. All applications for building permits for structures with solar installations shall be forwarded to the Community Development Department for review and approval. The proposed installation will be reviewed to assure compliance with the following standards:
 - a. *Ground-Mounted.*
 1. Ground-mounted solar energy systems shall be permitted in the side and rear yards subject to the guidelines outlined below.

2. Setbacks for ground-mounted solar energy systems are subject to the same setbacks from the side and rear property lines as accessory buildings outlined in this chapter.
 3. Any ground-mounted solar energy system that exceeds six feet in height must be mounted on the roof of either the principle building or an accessory building.
 4. The overall square footage of the ground-mounted solar energy system shall be included in the total accessory building square footage limits.
- b. *Attached to the Building.* Where attached to a building, the solar energy system shall be subject to the same regulations as the building in terms of height and setbacks. Solar energy systems may be attached to the roof and/or the building wall.
1. Roof-mounted solar energy systems shall include solar panels integrated as the surface layer of the roof structure with no apparent change in relief or projections, or separate flush-mounted solar panels attached to the roof surface.
 - (i) Surface flush-mounted solar panels installed in a building with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - (ii) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features outlined in this title.
 - (iii) There shall be a minimum three-foot setback from the ridge or edges of the roof.
- c. *Non-Reflective Coating.* Solar energy systems shall be equipped with non-reflective coating and shall blend with the surface to which it is attached.
- d. *Building Permit.* Solar energy systems shall comply with all applicable Fire and Building Codes, including applicable permits and inspections.
- e. *Batteries.* If solar storage batteries are included as part of the solar energy system, they must be placed in a secure storage container or enclosure meeting the requirements of the Fire and Building Codes when in use, and when no longer in use shall be disposed of in accordance with all applicable laws and regulations.
- (2) *Planning Commission Review.*
- a. If any of the standards above cannot be complied with, the Planning Commission may grant a special exception if it can be determined that any negative impacts on adjacent properties can be mitigated by specific conditions.
 - b. Prior to the meeting, the applicant shall provide the following:
 1. Site plan.
 2. Drawings showing existing and proposed building elevations.
 3. The kind, color, and texture of materials to be used.
 4. Any other pertinent information determined to be necessary by the Director.

- c. The Planning Commission shall approve, approve with conditions, or deny the development or structure.

(LDC 2008, § 15A-11-22; Ord. No. 15-30, 9-12-2015)

Sec. 21-11-23. Wind Conversion.

Wind energy conversion systems shall meet the following standards:

- (1) Minimum tower setback from any property line shall equal the height of the tower.
- (2) Towers shall meet main dwelling setbacks for the particular zone in which the tower is located.
- (3) There shall be sufficient safety measures to prevent the tower from becoming a climbing hazard.
- (4) The tower shall not be located on a utility easement or right-of-way.
- (5) In the case of joint ownership of a tower, the structure may be located on any lots as approved by the Chief Building Official, provided the tower meets setback requirements mentioned above in respect to all perimeter properties.
- (6) The owner shall obtain a building permit and certification by a registered engineer as to the safety of equipment and installation.

(LDC 2008, § 15A-11-23)

Sec. 21-11-24. Wireless Telecommunications Facilities.

(a) *Purpose.* The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power wireless telecommunications services. This section establishes provisions that deal with issues of demand, visual mitigation, engineering, residential impacts, health, safety, and facility siting.

(b) *Application.* The requirements of this section apply to both commercial and private telecommunications facilities. All telecommunications facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(c) *Telecommunication Facility Justification Study and Master Plan Required.* A Master Plan for each company shall be submitted. Additionally, a complete application and Telecommunication Facility Justification Study shall be submitted by each company for each proposed telecommunications facility. The Telecommunication Facility Justification Study and Master Plan shall be submitted to the Community Development Department, which will provide a preliminary review. Upon completion of the Community Development Department review, the Telecommunication Facility Justification Study and Master Plan will be scheduled with the Development Committee for further review and recommendation to the Planning Commission, together with the complete application.

(d) *Master Plan Requirements.* A Master Plan shall be completed by each company. The Master Plan shall show proposed locations of future telecommunication facilities and include the rationale for each potential telecommunication facility. Maps shall be utilized to graphically illustrate the coverage radius of each potential telecommunication facility.

(e) *Telecommunication Facility Justification Study Requirements.* A Telecommunication Facility Justification Study shall be completed for each telecommunication facility. The Study shall include:

- (1) *Rationale.* The rationale for the selection of the proposed telecommunication facility in view of the relative merits of any feasible alternative telecommunication facilities within the search ring. The Telecommunication Facility Justification Study shall include a description of the telecommunication facility, a description of the telecommunications facilities proposed to be placed on the location with technical reasons for their design and efforts made to minimize impacts on the surrounding land uses, a listing of other telecommunication facilities within the search ring which were evaluated and a statement of reasons why the final location was chosen. Staff may request the search ring and propagation information for the proposed telecommunication facilities. The applicant shall justify that the telecommunications facilities comply with the General Plan, as well as the required setback, height and landscaping requirements of the zoning district in which they are proposed to be located.
- (2) *Co-location.* The Study shall also examine the potential for co-location at an existing or the proposed telecommunication facility. If co-location is not possible at an existing telecommunication facility, or if the proposed new telecommunication facility is not available for co-location, then the applicant shall include a written explanation why co-location is not possible.
- (3) *Height.* The height of the antennas and antenna support structures shall be justified through a detailed written analysis that explains in non-technical terms the reasons why service cannot be effectively provided unless at the requested height. If the proposed telecommunication facility is a roof mount or wall mount, the City may request that the Study verify that the existing or proposed screening will screen from view all telecommunications facilities.
- (4) *Equipment Facilities.* The Study must include a detailed, written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment facilities to be either:
 - a. Located in an existing building; or
 - b. Designed using stealth design technology, or other visual screening is utilized that readily conceals the appearance of the equipment facilities.
- (5) *Visual Analysis.* The applicant shall submit a visual analysis, which may include photosimulation, field mock up or other techniques, which identifies the potential for visual impacts of the proposed telecommunications facility. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences. The analysis shall assess the cumulative impacts of the proposed telecommunications facility and other existing or approved telecommunications facilities in the area as provided by City staff and shall identify all mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility. All costs associated with this requirement are to be borne by the applicant.
- (6) *Independent Review.* The City may, if it deems necessary, cause each telecommunications facility to be reviewed by a qualified Radio Frequency Engineer. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not

significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs shall be borne by the applicant.

(f) *Permitted Uses.* The following telecommunications facilities are classified as permitted uses. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a Technical Necessity Exception from the Planning Commission. All telecommunications facilities must comply with the General Plan as well as the required setback, height and landscaping requirements of the zoning district in which they are to be located and are subject to all provisions for site plan review, including modifications to existing site plans. All permitted use equipment facilities listed in this section must be located in an existing building or designed using stealth design technology, or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

- (1) *City Property.* Telecommunications facilities located on City-owned property are allowed as a permitted use provided the facilities meet the standards as specified for each type of facility as contained in this section, and the facility owner has entered into a lease-type agreement with the City.
- (2) *Wall-Mounted Antenna.* Wall-mounted antennas which comply with the following standards are allowed as a permitted use:
 - a. *Locations.* Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.
 - b. *Mounting Method.* Wall-mounted antennas shall not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.
 - c. *Stealth Design.* Antennas, equipment facilities, and the antenna support structure shall be constructed with stealth design to match the color of the building or structure and to be architecturally compatible with the building or to match the color of the background against which they are most commonly seen.
- (3) *Roof-Mounted Antenna.* Roof-mounted antennas which comply with the following standards are permitted uses:
 - a. *Locations.* Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.
 - b. *Mounting Location.*
 1. Roof-mounted antennas may be located on top of existing penthouses or mechanical equipment rooms provided the telecommunications facilities are enclosed by a structure that creates a visual screen. The screening structure and telecommunications facilities shall not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.
 2. For roof-mounted antennas not mounted on a penthouse or mechanical equipment room, the telecommunications facilities shall be mounted at least five feet from the exterior wall of a building. For antennas mounted between five and ten feet from the

- exterior wall, the maximum height of a roof-mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet above the roofline of the building to which the antenna is attached.
3. Telecommunications facilities shall be mounted at least five feet behind any parapet wall. For antennas mounted between five and ten feet behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of ten feet as measured from the top of the parapet wall.
 - c. *Screening.* Roof-mounted telecommunications facilities shall be located only on a flat roof and shall be screened, constructed, and/or colored to match the structure to which they are attached. Roof-mounted telecommunications facilities for pitched roofs must receive a Technical Necessity Exception.
 - d. *Area Limitations for Wall- and Roof-Mounted Antennas.* A combination of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and antenna support structures combined shall not exceed 40 square feet for each exterior wall of the building or a total of 160 square feet per building per carrier. A maximum of four walls shall be occupied by antennas. The total area is the sum of the area of each individual antenna face and the visible portion of the antenna support structure and the equipment facility as viewed when looking directly at the face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall. Up to three carriers may utilize each building side for a maximum of four sides as a permitted use.
- (4) *Co-location.* Co-location of antennas on an existing monopole is a permitted use provided the antennas do not extend more than 12 inches from the monopole and meet all the provisions as stated for landscaping, fencing and safety and equipment facilities.
 - (5) *Stealth Design.* Telecommunications facilities that incorporate stealth design technology and are located on a parcel in a commercial, industrial, or professional office zone district or in a residential zone district containing a residential institutional use are a permitted use.
 - (6) *Conversion.* Conversion of existing flagpoles, light standards, athletic field lights, or other similar structures, provided the structure's height is not increased more than ten feet or unless approved by the Community Development Director as provided for in modified site plan review as described in this title, are a permitted use.
 - (7) *Utility Pole Antennas.* Utility pole antennas which comply with the following standards are permitted uses:
 - a. *Location.* Utility pole antennas may only be located on existing utility poles.
 - b. *Method of Mounting.* Such antennas shall be designed and installed by the applicant according to the City's specifications and details for utility poles.
 - c. *Agreement.* Consistent with the use of public rights-of-way by other utility and cable providers, each telecommunication provider is required to enter into an agreement with

the City prior to installing any telecommunication facilities in the rights-of-way. The Planning Commission shall review site plan conditions prior to the execution of the agreement.

(g) *Technical Necessity Exception/Conditional Uses.*

- (1) If an applicant cannot meet the standards for telecommunications facilities as provided for in Subsection (f) of this section for technical reasons, an applicant may request a Technical Necessity Exception under the conditional use process from the Planning Commission. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed.
- (2) Telecommunications facilities which meet the following standards, and it is determined by the Planning Commission that a Technical Necessity Exception is appropriate, are conditional uses:
 - a. *General Plan Compliance.* Comply with the General Plan as well as the required setback, height, and landscaping requirements of the zoning district in which they are located.
 - b. *Technical Necessity.* An applicant cannot meet the standards for telecommunication facilities as provided in Subsection (f) of this section for technical reasons.
 - c. *Antennas in Multifamily Zones.* Wall mount antennas, roof mount antennas, and stealth applications on structures containing ten or more dwelling units and conversions are conditional uses which require a Technical Necessity Exception. Antennas on structures containing less than ten units are not allowed. The antennas and their related antenna support structures and equipment facilities must meet the design standards for each respective telecommunications facility as referenced in Subsection (f) of this section.
 - d. *Monopoles.*
 1. Monopoles are not allowed in any zone within the City without a Technical Necessity Exception being granted by the Planning Commission. Following are the minimum standards for a monopole to qualify for a Technical Necessity Exception/conditional use. The Planning Commission may impose additional requirements pursuant to the conditional uses review standards in this title.
 - (i) *Independent Review.* All applications requesting a monopole under the Technical Necessity Exception provision shall complete an independent radio frequency engineering review of the proposed monopole telecommunication facility in relation to the requested height, alternative locations, other proposed telecommunication facilities, and existing telecommunication facilities. The cost of the independent review shall be borne by the applicant.
 - (ii) *Antenna Sizing.* The maximum visible width of antennas and antenna support structures on a monopole shall not exceed eight feet in height or three feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna support structure. Top hat design is not permitted.
 - (iii) *Location and Minimum Setbacks.* Monopoles shall be allowed only in the rear yard area of any commercial or industrial lot which contains a commercial or industrial use or City property. These structures shall not be located in a

required landscaped area, buffer area or required parking area. No such antenna shall be located within 165 feet of a residential property line. However, the Planning Commission may reduce the required setback from a residential property line if practical difficulties are demonstrated by the applicant (e.g., City park location, public buildings, etc.).

- (iv) *Height Limit.* Monopoles shall not project higher than ten feet above the average building height to a maximum of 60 feet or, if there are no buildings within 300 feet, these facilities shall not project higher than ten feet above the average tree canopy height to a maximum of 60 feet, measured from ground level.
 - (v) *Landscaping, Fencing and Safety.* Monopoles shall, at minimum, be landscaped as per the requirements of the zoning district in which they are located. If there are no buildings immediately adjacent to the monopole and equipment facilities, all monopoles and equipment facilities shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted on subject property. The Planning Commission may require additional landscaping or fencing as part of the site plan approval. The climbing pegs shall be removed from the lower 20 feet of the monopole.
2. Exception. Monopoles may be allowed in PUD zones if the following conditions are met:
- (i) The PUD consists of at least 400 acres.
 - (ii) The monopole and equipment facility are placed in an open space or common area within the PUD.
 - (iii) The location must be in a mature landscape area to provide a screen and buffer. Alternatively, new landscaping must be provided around the proposed monopole or other types of screening that may be approved by the Planning Commission.
 - (iv) Any proposed location, including all leased area for the wireless facility, will no longer be considered open space. Therefore, any proposed location must not reduce the open space below the minimum acreage for the development.
 - (v) The monopole and equipment facility must utilize stealth technology.
 - (vi) The monopole shall not project higher than ten feet above the average building height or average tree canopy up to a maximum of 45 feet. The Planning Commission may increase the height beyond ten feet above the tree canopy if it is determined that this will aid on compliance with stealth requirements. To provide for additional carriers, clustering of multiple poles of varying heights is encouraged.
 - (vii) No antenna shall be located within 165 feet of a residential property line or residence. However, the Planning Commission may reduce the required setback from a residential property line or residence if the applicant demon-

strates that the proposed facility would follow the City's standards for stealth applications more closely or if they can demonstrate other practical difficulties.

- (viii) The applicant must demonstrate a technical need (explained in simple terms) for the proposed monopole.
- e. *Resubmittal of facilities.* The applicant shall re-submit each telecommunication facility which has been granted a Technical Necessity Exception/conditional use for review seven years to a maximum of ten years from final approval as established by the Planning Commission. At the time of this review, the applicant shall provide information to show that the telecommunications facility is still necessary at the approved location, employs the most current available technological advances, and has been in compliance with all the requirements established by this section and the Planning Commission.
- f. *Additional information required.* In addition to conditional use standards outlined in this title for conditional uses, the information concerning the following shall be submitted by the applicant and considered by the Planning Commission for all Technical Necessity Exception requests:
 1. Compatibility of the proposed telecommunications facilities with the height and mass of existing buildings and utility structures.
 2. Whether it is possible to locate the antenna on other existing structures with less aesthetic impact in the same vicinity such as other monopoles, buildings, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting transmission or reception.
 3. The location of the telecommunications facilities in relation to existing vegetation, topography, and buildings to obtain the best visual screening.
 4. Whether the spacing between the proposed and existing telecommunications facilities creates detrimental impacts to adjoining properties.
 5. Substantial existing or proposed landscaping, including tree cover, to reduce visibility of telecommunications facilities.
 6. Whether the telecommunications facility complies with the General Plan, as well as the required setback, height, and landscaping requirements of the zoning district in which the telecommunications facility is proposed to be located and whether it complies with provisions as stated in Chapter 21-32, including modifications to existing site plans.

(h) *Equipment Facilities.* All equipment facilities shall be located in an existing building or designed whereby the incorporation of stealth design technology or other screening is utilized that readily conceals the appearance of the equipment facility. All power lines on the lot leading to the telecommunication facility shall be underground. If the Planning Commission does not require the applicant to place the equipment facility underground or utilize stealth design technology, then the telecommunication facility shall be fenced with a six-foot vinyl coated chainlink fence or other fencing and landscaping as approved or required by the Planning Commission.

(i) *Historic Districts.* Any telecommunications facility proposed for a location within a historic district or on a landmark site must be reviewed by the Planning Commission.

(j) *Non-Allowed Uses.* The following telecommunications facilities are not allowed in any zone district:

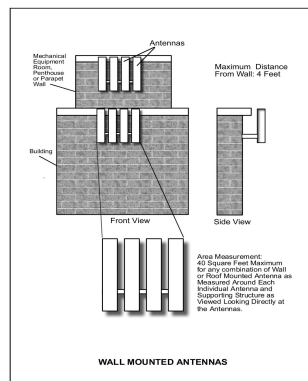
- (1) Lattice towers.
- (2) Whip antennas on wall-mounted support structures.
- (3) Any telecommunications facility not specifically listed in Subsection (f) of this section or not in compliance with the requirements for a Technical Necessity Exception/Conditional Use.

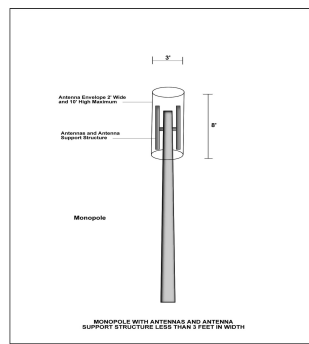
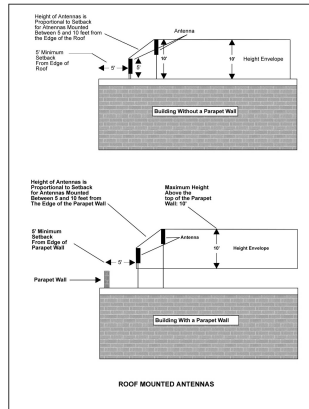
(k) *Non-Maintained or Abandoned Facilities.*

- (1) The Director may require each non-maintained or abandoned telecommunication facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within 30 calendar days after notice of non-maintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure. The City may require a cash or surety bond to guarantee removal of the telecommunications facility to be submitted prior to final site plan approval or issuance of a building permit. The bond amount shall be determined upon review by the Community Development Department.
- (2) If the structure upon which the antenna is placed, including, but not limited to, utility poles, water tanks, light poles or buildings, is no longer used or is proposed by the owner or operator of that structure to be removed or replaced, the antenna must be removed within 90 calendar days after notice from the City. Any replacement telecommunication facility, if necessary, is required to comply with the requirements herein or any subsequent amendment hereto.

(l) *Building Permits.* Prior to the construction of any telecommunications facility, the applicant shall obtain the proper building permits, road cut permits, and other permits as required by this Code.

(m) *Wireless Telecommunications Facilities Illustrations.* The following illustrations are referred to in this section. They are meant to demonstrate graphically the intent of the Section:





(LDC 2008, § 15A-11-24; Ord. No. 10-44, 12-14-2010)

State law reference—Regulation of amateur radio antennas, U.C.A. 1953, § 10-9a-515.

Sec. 21-11-25. Wireless Communications Facilities in the Public Right-of-Way.

(a) *General Scope.* This section and not Section 21-11-24 shall apply to the construction, modification, removal and operation of small wireless communications facilities (SWFs) installed in the public right-of-way (ROW). All references to SWFs in this chapter shall refer only to SWFs in the ROW and not SWFs located anywhere outside of the ROW. No person shall install, construct, modify, or otherwise place any SWF within the public right-of-way except pursuant to the provisions of this section. The definitions used in this section are found in Chapter 21-37.

(b) *Purpose.*

(1) The purpose of this section is to reasonably regulate, to the extent permitted by Utah and Federal law, the installation, operation, collocation, modification and removal of SWFs in the City of Sandy in a manner that protects and promotes public health, safety and welfare, and balances the benefits that flow from robust personal wireless services with the unique and historic character, aesthetics and local values of the City. This section is intended to meet the following goals, to the extent not inconsistent with applicable Federal and State law:

- a. Promote and protect the public health, safety, and welfare by reducing the visibility of SWFs to the fullest extent possible, including, but not limited to the following method:

camouflage or stealth concealment, design techniques and placing SWFs and related accessory equipment, which is not placed on or in the utility pole, underground, except equipment which cannot be placed underground if the SWF is to function properly.

- b. Provide for the managed development and installation, maintenance, modification, and removal of wireless communication infrastructure in the City with the fewest number of SWFs needed to provide cell service, in a nondiscriminatory manner.
 - c. Encourage the deployment of smaller, less intrusive SWFs to supplement existing larger macro-cell sites.
 - d. Encourage the deployment of SWFs primarily along major and minor arterials, and major and minor collectors, and limit the deployment of new utility poles along local streets and residential districts where the streets are 60 feet wide or narrower, and new poles and SWFs in historic districts, and design districts where they are discouraged or not allowed.
 - e. Encourage the location of SWFs in nonresidential areas, in a manner that minimizes the total number of SWF support poles needed throughout the City.
 - f. Encourage the location of SWFs to utilize existing right-of-way corridors, and encourage SWFs to be installed at street intersections. Encourage collocation of SWFs on new and existing sites.
 - g. Encourage the location of SWFs, to the extent economically and technically feasible, at places and in areas where the adverse visual impact on the community is minimized.
 - h. Enhance the ability of wireless service providers to provide services to the community quickly, effectively, and efficiently.
 - i. Effectively manage SWFs in the ROW.
 - j. Nothing herein is intended to waive or limit the City's right to enforce or condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to public health and safety.
 - k. Provide for the nondiscriminatory use of the right-of-way.
- (2) This section does not intend, and shall not be interpreted or applied to:
- a. Prohibit or effectively prohibit personal wireless services; or
 - b. Unreasonably discriminate among wireless service providers of functionally equivalent personal wireless services; or
 - c. Regulate the installation, operation, collocation, modification or removal of SWFs on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or
 - d. Prohibit or effectively prohibit any collocation or modification that the City may not deny under Utah or Federal law; or
 - e. Preempt or conflict with any applicable Utah or Federal law.

(c) *Applicant, Permit.* Any person seeking to locate or modify a SWF or utility pole in the ROW shall, except as otherwise provided herein, first submit an application, and in historic and design districts, obtain a permit under this section, and shall provide to the City on an application form provided by or acceptable to the City information sufficient, in the City's reasonable discretion, to enable the City to make an informed determination regarding such permit. Fees for permits will be established by the Sandy City Council.

(1) *Exceptions to Permitting.*

- a. Wireless service providers are not required to submit an application, obtain a permit, or pay a fee for the following activities, but shall provide not less than ten days' notice to the City Public Works and Public Utilities Departments of such activities:
 1. Routine maintenance;
 2. The replacement of a small wireless facility with a small wireless facility that is substantially similar or smaller in size;
 3. The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing utility poles, in compliance with the National Electrical Safety Code; or
 4. Any other installation or activity otherwise allowed by superseding law.
- b. A wireless service provider shall obtain a permit for work that requires excavation or cutting of any road, sidewalk or other surface or closing of sidewalks or vehicular lanes in the right-of-way. The City shall process and approve the permit within the same time period the City processes and approves a permit for all other types of entities.

(2) *Lessees to Comply with this Section.* Applicants who enter into lease or license agreements with the City to locate, modify or collocate SWFs on City-owned light, sign, traffic signal or other poles shall be required in those instruments to comply with the provisions of this section, except as specifically negotiated and clearly stated in the written instrument otherwise.

(3) *Compliance.* All persons subject to this section shall:

- a. At all times comply with all applicable statutes, laws, ordinances, and policies;
- b. Upon reasonable request, timely provide written confirmation sufficient for customary land survey purposes concerning location of SWFs;
- c. Upon reasonable request, timely provide the City with accurate as-built maps and plans certifying location of SWFs in paper copies and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each SWF required by the City, including but not limited to height of the SWF, range of transmission, type of transmission (cellular, voice, data, Wi-Fi, etc.), nature of the pole or support, permittee of the pole or support, and similar information;
- d. Upon request, timely make available to the City, books, records, maps and other documents maintained with respect to SWFs for inspection at reasonable times and places;
- e. Pay all applicable fees required by the City.

- (4) *Subject to Superseding Federal and State Law.* The provisions of this section shall be subject to and superseded by conflicting applicable Federal or State law now in force or hereafter enacted.
- (d) *Operational Standards.*
- (1) *Federal and State Requirements.* All SWFs shall meet the current standards and regulations of the United States Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the Federal and Utah State governments with the authority to regulate SWFs. If such standards and regulations are changed, then the permittees shall bring such facilities into compliance with such revised standards and regulations within the time period mandated by the controlling Federal or State agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the SWF facility at the permittee's expense.
- (2) *Radio Frequency Standards.* If concerns or complaints regarding compliance with radio frequency emissions standards for a SWF have been communicated to the City, the City may request that the permittee provide information demonstrating compliance which the permittee shall promptly provide. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request, and the permittee of the SWF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established Federal standards. If, upon review, the City finds that the SWF does not meet Federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the SWF at the permittee's expense. Any reasonable costs incurred by the City, including reasonable consulting costs needed in the Director's discretion, to verify compliance with these requirements, shall be paid by the permittee.
- (3) *Signal Interference.* All SWFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, other SWFs, and other communication services utilized by nearby residential and nonresidential properties. SWFs shall not interfere with any public safety communications except with the written approval of the public safety agency whose communications are so affected. The applicant shall provide a written statement from a qualified radio frequency engineer certifying that a technical evaluation of existing and proposed SWFs indicates no potential interference problems with the communications referred to just above. The permittee of the SWF shall allow the City to monitor interference levels with public safety communications during this process. In addition, the permittee of a SWF shall notify the City at least 14 calendar days prior to the introduction of new personal wireless service or changes in existing personal wireless service, and shall allow the City to monitor interference levels with public safety or other communications during the testing process. The permittee shall not begin new service or change service of the SWF until the City has notified the permittee that the SWF is acceptable, or the expiration of the 14 days, whichever occurs first.
- (4) *Operation and Maintenance.* To ensure the structural integrity of SWFs and the support poles on which they are mounted, the permittee of a SWF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes, State of

Utah Blue-Stakes laws, and with the City's Standard Specifications and Details for Municipal Construction as most recently promulgated. If upon inspection, or upon other reliable evidence, the City concludes that a SWF support pole or SWF fails to comply with such codes or constitutes a danger to persons or property, then, upon written notice being provided to the permittee of the SWF, the permittee shall have 30 days from the date of notice to demonstrate that the SWF or support pole is structurally sound and safe, or to bring such SWF into compliance. Upon good cause shown by the permittee, the City may extend such compliance period not to exceed 90 days from the date of said notice. If the permittee fails to bring such SWF into compliance within said time period, and fails to remove the SWF, then the City may remove such SWF at the permittee's expense. The City may, in its discretion, require an industry-standard pole load analysis be completed and submitted to an authority indicating that the utility pole, to which the SWF is to be attached, will safely support the load.

- (5) *Abandonment and Removal.* If a SWF has not been in use for a period of three months, the permittee of the SWF shall notify the City of the non-use, and shall indicate whether re-use is expected within the ensuing three months. Any SWF that is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require that an abandoned SWF be removed. The permittee of such SWF shall remove the same within 30 days of receipt of written notice from the City. If such SWF is not removed within said 30 days, the City may remove it at the permittee's expense, and any approved permits for the SWF shall be deemed to have expired.
- (6) *Hazardous Materials.*
 - a. No permittee and no agent or subcontractor of a permittee shall use, store or release hazardous materials in, on, about or from any SWFs or any property on which any SWF is located, except those necessary for the operations of the SWF, and only in accordance with all applicable laws governing such materials. No permittee and no agent or subcontractor of a permittee shall store, generate, release or dispose of hazardous materials in or on any SWFs or any City property without the prior signed written consent of the City's mayor or chief administrative officer, and only if such writing clearly allows such storage, generation, release or disposal of hazardous materials.
 - b. If a permittee discovers that any spill, leak or release of any quantity of hazardous materials has occurred on, in or under any SWF, the permittee shall promptly notify all appropriate governmental agencies and the City. In the event such release is caused by the permittee, a lessee or permittee, their officers, employees agents or subcontractors, the permittee shall (or shall cause others to) unless otherwise directed by the City, promptly and fully investigate, clean up, remediate and remove all such hazardous materials as may remain and so much of any portion of the environment as shall have become contaminated, all in accordance with applicable government requirements, and a plan approved by the City, and shall replace any removed portion of the environment (such as soil) with uncontaminated material of the same or better character as existed prior to contamination.

(e) *Applications and Submissions.* No SWF shall be collocated, and no new, modified, or replacement SWF support pole associated with a SWF may be placed in the right-of-way, and no initial location, collocation, or modification constituting a substantial change to any SWF may occur except upon the issuance of a permit after submission of a written application from an applicant, reviewed and approved by the City in accordance with this section. Permits issued hereunder shall be of general applicability. A SWF on a wire strung between poles does not require a permit or application. All SWFs shall be reviewed pursuant to the following procedures:

- (1) *Pre-Submittal Meeting.* Before first application submittal, applicants shall schedule and attend a pre-submittal consultation meeting with City staff for all facilities intended for installation in the public right-of-way, unless waived by the Director or his designee because the City determines that it already has sufficient information about an applicant's proposed facilities, or because the proposed facilities are expected to have little impact on the City. City staff will endeavor to provide applicants an appointment within 15 working days after a written request for an appointment is received.
- (2) *Twenty-Five Permits Per Application.* A consolidated application may be submitted for the collocation of no more than 25 SWFs if all of the SWFs are substantially of the same type and proposed for collocation on substantially the same type of structures, or at the applicant's discretion, an applicant may file a consolidated application for the installation, modification or replacement of up to 25 utility poles in the ROW. An applicant may file no more than three consolidated applications within any 30-day period or multiple applications for more than 75 utility poles or SWFs within any 30-day period. A consolidated application may not combine applications solely for collocation of SWFs on existing utility poles with applications for the installation, modification, or replacement of a utility pole. If the City denies the application for one or more utility poles or SWFs in a consolidated application, the City may not use the denial as a basis to delay the application process of any other utility pole or small wireless facility in the same consolidated application.
- (3) *Submittal Requirements.* In addition to an application form signed by an authorized official or employee of an applicant, signal interference letter, and required submittal fees, each applicant shall submit the following documents in a form acceptable to the City:
 - a. An accurately scaled site plan of all of applicant's SWFs and wireless facility support poles within one mile of the facility to be installed; such site plan shall be submitted in paper and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each SWF required by the City, including but not limited to height and dimensions of the SWF, range of transmission, type of transmission (cellular, voice, data, Wi-Fi, etc.), nature of the pole or support, permittee, owner and operator of the pole or support, and similar information;
 - b. Accurate photo simulation of all proposed aboveground SWFs, collocations, and modifications of existing SWFs;
 - c. A scaled elevation view and other supporting accurate drawings, calculations, and other documentation of the proposed SWF and support pole for it;

- d. If required by the City, documentation showing the financial and technical ability and legal capacity of the applicant to perform the work requested, and to operate and maintain the SWFs for longer than one year;
 - e. Letters, agreements, or other documents showing permissions to locate SWFs on the poles or in facilities of the City or other permittees, and if an applicant places SWFs or related accessory equipment on City poles, then it shall have an executed signed master license agreement with the City, and a pole attachment permit or agreement from the City for each City pole;
 - f. Letters, reports or memoranda signed by appropriate qualified professionals where required by the City, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, pole height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this section;
 - g. Submission of evidence of required licenses and registrations from Federal and State regulatory bodies, including the Federal Communications Commission, necessary for the services to be provided; and
 - h. A franchise from the City allowing the wireless provider to operate in the right-of-way if it does not already have a fiber-optic franchise from the City.
- (4) *Other Information.* Each applicant for a SWF permit or for the erection of a utility pole in the ROW shall provide to the Director, unless waived by the Director, the following information and documents:
- a. The business form of the person making the application.
 - b. If the applicant is a partnership or limited partnership, the names and addresses of all such partners and their respective interests; if a corporation, the names and addresses of the officers and directors of the corporation and the names of any persons holding more than ten percent of the common and preferred stock of the company, together with their proportionate interests indicated.
 - c. A proposed plan for the installation, operation and maintenance of the applicant's communications system indicating methods of construction, including specifications for design, installation, technical capacity and maintenance, and arrangements with any other company or person for use of poles or other facilities.
 - d. The most current financial statement of the applicant.
 - e. The applicant's experience in the field of service it plans to provide in the City.
 - f. The applicant's capability to provide cellular service, if reasonably in question.
 - g. The applicant's agreement to pay the fees and rates for use of the right-of-way provided in this section.
 - h. An attestation by an authorized officer of the applicant that the SWF will be operational for use by a wireless service provider within 270 days after the day on which the City issues

the permit except in the case that the lack of commercial power or communications transport infrastructure to the site delays completion, or for other good cause reasonably beyond the control of the provider approved by the Director.

- i. The Community Development Department may share information on the location of SWFs and wireless communication support poles with other applicants applying for administrative approvals or permits under this section, or other organizations seeking to locate SWFs within the City, provided that doing so does not violate any records confidentiality requirements of U.C.A. 1953, § 63G-2-305, and provided, however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable, or that the information provided by an applicant is correct.
- (5) *Applications for New and Modified or Replacement Poles.* Each application to erect a new, modified or replacement wireless communications pole in the right-of-way shall be reviewed by the Director or his designee for conformance to this section and the Land Development Code using the Site Plan review procedures set forth in the Land Development Code. Should the Director determine that the proposed pole or SWF will have a significant adverse visual impact, (e.g., due to proximity to historic or aesthetically significant structures, views, and/or community features) or otherwise be incompatible with the surrounding area the Director may deny the application or refer the application to the Telecommunications Review Group for a recommendation. A wireless service provider may replace or upgrade a utility pole only with the written approval of the utility pole's owner.
 - (6) *Power and Fiber-Optic Connections.* With all applications for SWFs, each applicant shall provide written documentation from the wireless communications pole or SWF permittee affirming that an agreement has been reached with the applicant to allow for legal access to and from the pole or facility. The City may require evidence that agreement has been reached for the legal provision of needed services with Rocky Mountain Power or other lawful electricity provider for electricity and other providers of facilities (such as fiber-optic service) needed to operate and maintain the SWF.
- (f) *Time Frame for Review.*
 - (1) Subject to the tolling provisions of Subsection (f)(2) of this section, within 30 days of the date on which an applicant submits an application seeking collocation of a SWF or for a new, modified, or replacement utility pole, the City shall determine whether the application is complete, and notify the applicant that the City's determination of whether the application is complete.
 - (2) If the City determines, within the applicable time period described in Subsection (f)(1) of this section, that an application is incomplete, the City shall specifically identify the missing information in the written notification sent to the applicant; and the processing deadline for the application is tolled from the day on which the City sends the applicant the written notice to the day on which the City receives the applicant's missing information; or as the applicant and the City agree.

- (3) An application for a SWF expires if:
 - a. The City notifies the wireless service provider that the wireless provider's application is incomplete, in accordance with this section; and
 - b. The wireless service provider fails to respond within 90 days after the day on which the City notifies the wireless service provider under this section.
- (4) The City shall process an application on a nondiscriminatory basis and approve or deny an application:
 - a. For the collocation of a SWF, within 60 days after the day on which the City receives the complete application; and
 - b. For a new, modified, or replacement utility pole, within 105 days after the day on which the City receives the complete application.

If the City fails to approve or deny an application within the applicable time period described in Subsection (f)(4)a or b of this section, the application is approved. Notwithstanding Subsection (f)(4)a and b of this section, the City may extend the applicable period described in Subsection (f)(4)a or b of this section for a single additional period of ten business days, if the City notifies the applicant before the day on which approval or denial is originally due. If the City denies an application it shall document the basis for the denial, including any specific law on which the denial is based; and shall send such documentation to the applicant on or before the day on which the City denies the application.

(g) *Compliance with Applicable Law.*

- (1) Notwithstanding the approval of an application for collocation or non-substantial modification as described herein, all work done pursuant to permits issued hereunder must be completed in accordance with all applicable building and safety requirements as set forth in this Code, the Land Development Code, the site plan approval (if applicable), and all other applicable regulations. In addition, all SWFs shall be operated and maintained in compliance with the following requirements:
 - a. They shall comply with all applicable permits or licenses issued by a local, State or Federal government agency with jurisdiction over the SWF;
 - b. They shall comply with license or lease agreements, easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - c. They shall be maintained in good working condition and to the standards established at the time of application approval, or as required by then-current Federal or State law; and
 - d. They and the areas around them shall remain free from trash, debris, litter, graffiti, and other forms of waste and vandalism. Any graffiti shall be promptly removed or painted over, and any damage shall be repaired as soon as practicable after a permit is granted by the City, when required, and in no instance more than ten calendar days from the time of notification by the City or after discovery by the permittee of the SWF.

- (2) Compliance Report. Upon request by the City, the applicant shall provide a compliance report within 45 days after installation of a SWF, demonstrating that as installed and in operation, the SWF complies with all conditions of approval, applicable City ordinances and applicable regulations.

(h) *Permit and Renewal Term.* Any validly issued permit for a SWF or utility pole will automatically expire at 12:01 a.m. local time exactly ten years and one day from the issuance date. If there is no basis for denial, an authority shall grant the renewal of an application under this section for an equivalent duration. No renewal shall be valid unless all of a wireless provider's SWFs and related wireless communication facilities fully comply with this section, Utah State Code, and City ordinances.

(i) *Siting, Design, Stealth Implementation.*

- (1) *Siting and Design.* SWFs and related facilities shall meet the requirements of this section unless the applicant can clearly show and the Director finds that such requirements are not technically and economically feasible for the applicant.
- (2) *Stealth Implementation.* Construction of SWFs must utilize stealth implementation meeting the provisions of this section if such camouflage measures are technically and economically feasible consistent with Utah law. A SWF or a supporting pole employs stealth design or implementation when it:
 - a. Is integrated harmoniously into an outdoor fixture such as a light pole, in a manner which minimizes or eliminates visual impact, avoids notice, or is not readily apparent; or
 - b. Uses design which mimics and is consistent with the nearby natural or architectural features or replaces existing facilities so that the presence of the SWF is not readily apparent.

Stealth implementation includes the following methods of implementation, which shall be required of all SWFs and related facilities which are placed in the right-of-way. All SWFs and supporting poles on which they are mounted shall comply with the following requirements, subject to the exceptions in this section, or technical necessity exceptions found in Chapter 21-11 pertaining to special use standards.

- (3) *Height of the Combined Pole and Antenna.* For all new facilities and substantial modifications to existing facilities, height of the combined pole and antenna, including after a change or collocation under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 1996, except as otherwise required by Section 6409(a), as measured from the base of the pole at ground level (including any concrete or other support) will, except in respect to poles legally erected before the effective date of the ordinance from which this section is derived, be limited to 50 feet in height for City streets which are not residential streets, and major and minor arterial streets, although the City encourages poles no higher than 30 feet on major and minor arterials, and not more than 20 feet on local streets. An antenna associated with a SWF may not extend more than ten feet above the top of a utility pole existing on or before September 1, 2018. The height restrictions may be exceeded only with a technical necessity exception provided and paid for by the applicant. The height will be reviewed by the Telecommunications Review Group and approved or denied by the Director. SWFs shall be located no closer to the nearest building than the combined height of the pole and antenna.

- (4) *Antennas.* No antenna shall be taller than ten feet above the top of the wireless communications pole or pole extender on which it is mounted except as otherwise allowed by U.C.A. 1953, § 54-21-602.
- (5) *Power to Pole.* Power to the SWF support pole must come through the base of the pole.
- (6) *Use Existing Poles.* Wireless service providers of SWFs are encouraged, to the extent practicable, to use existing utility poles and other infrastructure, including street signs, light poles, traffic lights, and other similar infrastructure.
- (7) *Invisibility of Seams, Bolts, Wires, Cables, Assemblies.* Seams, bolts/screws, antennas, wires, cables, and conduits and shroud assembly shall be fabricated and installed in a manner so as to reduce visibility. Wires and cables which cannot be placed inside a pole shall be placed in conduits which are as inconspicuous as is commercially feasible.
- (8) *Wireless Facility Poles; Construction and Finish.* To the extent technically and economically feasible, wireless facility poles installed by a wireless service provider shall be constructed of metal or a material, which when painted or otherwise finished, looks like metal, such as fiberglass, and shall match nearby existing City light poles in appearance. New wood poles will not be allowed. Antennas and all related accessory equipment, including mounting mechanisms, must be painted and repainted to match the pole.
- (9) *Decorative Poles.* If necessary to collocate a SWF, a wireless service provider may replace a decorative pole, if the replacement pole reasonably conforms to the appearance of the replaced decorative pole.
- (10) *Sharing of Poles Encouraged.* Sharing of wireless communication poles and utility poles is encouraged for all SWFs where feasible.
- (11) *Street Intersection Preference.* Wireless service providers are encouraged to locate SWFs where feasible at or near the corners of street intersections.
- (12) *No Extension into Traveled ROW.* Except for a traffic signal pole, City light pole or City light fixture, no portion of any SWF or its supporting pole shall extend into portion of the right-of-way or any public sidewalk intended for travel by vehicles or pedestrians, nor shall any SWF be placed in the median of any street.
- (13) *New and Replacement Poles Designed for Collocation.* New and replacement wireless communication poles shall match nearby existing City light poles, and shall be designed and constructed to permit the pole or other support facility to accommodate SWFs from at least two wireless service providers on the same pole, unless the Director approves an alternative design, or unless the applicant clearly demonstrates that doing so is not practically feasible. Collocation of SWFs shall be allowed by the permittees of SWFs except where impracticable or otherwise illegal. A permittee which installs a new pole or a pole replacing a City-owned pole shall be responsible for the maintenance of the pole at its expense, but the City shall be allowed to maintain any lights, traffic semaphores, or other City-owned equipment on the pole at the City's expense. The City will own the new pole.

- (14) *Pole Extender.* A pole extender may be used instead of replacing an existing pole, provided the pole extender is safe, structurally sound and can otherwise meet the requirements of this section, unless a further height increase is required and confirmed in writing by the pole owner, and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities and does not extend the total height of the pole, with the pole extender, more than 50 feet. The pole extender shall be painted or finished to substantially match the color of the pole and the diameter of the pole measured at the top of the pole. A "pole extender" as used herein is a structure affixed between the utility pole and the antenna for the purpose of increasing the height of the antenna above the pole.
- (15) *Pole-Mounted Equipment.* All pole-mounted equipment and antennas must be installed as close to the pole horizontally as technically and economically feasible and enclosed in a container approved by the Director as technically and economically feasible, but no larger than six cubic feet in volume for an antenna, and no larger than 28 cubic feet for all wireless equipment, including the antenna and ground- and pole-mounted equipment; to minimize impacts to the visual profile, be painted flat and nonreflective colors to match the supporting pole, placed behind existing signs, and oriented away from prominent views; all required or permitted signage in the right-of-way must face toward the street or otherwise be placed to minimize visibility from adjacent sidewalks and structures; and all conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible. To the extent reasonably feasible, each SWF shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles on the same pole and near the proposed SWF.
- (16) *Aesthetic Impacts.* Each SWF shall be sited and maintained to minimize the negative aesthetic impacts to the right-of-way.
- (17) *Traffic Signals.* Each SWF shall be designed such that antenna installations on traffic signal poles are placed in a manner so that the size and appearance of the signal will not be significantly altered, and so that there will be no alteration in the function of the signal.
- (18) *Visual Clutter.* To the extent technically and economically feasible each SWF shall be designed and maintained such that all antennas, mast arms, related accessory equipment, and other facilities and elements are sized to minimize visual clutter.
- (19) *Newly Installed Equipment Boxes and Underground Equipment.* All newly installed equipment boxes and related accessory equipment shall be located in a manner that poses no significant risk to public safety and such that boxes and equipment meet the aesthetic requirements of this section, and if such equipment is not installed on or in a pole, then it shall be installed in a flush-to-grade or underground equipment vault whenever all cable and utility facilities, other than City poles and attachments, are so placed.
- (20) *Interference of SWFs.* No SWF shall alter vehicular circulation, usual travel, public safety or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. No SWF may be located or maintained in a manner that causes unreasonable interference. The term "unreasonable interference" means any use of the right-of-way that disrupts or interferes with its use by the City or operation of City improvements, use by

the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare. In addition, no SWF or utility pole may obstruct, damage, or interfere with: another utility facility in a right-of-way; or a utility's use of the utility's facility in a right-of-way.

- (21) *Relocation.* Wireless service providers are encouraged to locate or relocate SWFs and wireless communication poles concurrently with other users of the right-of-way in order to minimize disruption. Wires and communication cables serving SWFs shall be installed within existing underground ducts or conduit where feasible.
- (22) *Relocation at City Request.* After adequate written notice to a wireless service provider, the Public Works Director may require a wireless service provider, at the wireless service provider's sole expense and in accordance with the standards in this chapter applicable to such facility, to relocate a facility in the right-of-way in a timely manner as the City deems necessary to maintain or reconfigure the right-of-way for other public projects or take any actions necessary to protect public health, safety and welfare.
- (23) *Signs, Advertising.* No SWF may display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations or required by law or permit condition. Every SWF shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number and street address to contact the facility owner's operations center. Such identifying signs shall be less than three by five inches in size with letters between ten and 14 points in size, and shall be clearly visible and readable.
- (24) *Historic and Design Districts.* An applicant shall obtain a permit before collocating a pole or a SWF in a historic or design district. Such poles and SWFs shall meet the pole-height and stealth requirements of this section, and shall match, as closely as economically and technically feasible, the closest City light poles in the zone where located.

(j) *Technical Necessity Exceptions.* If an applicant cannot meet the requirements of stealth design in this section because of engineering or technological incapability or substantial implacability ("technical reasons"), an applicant may apply for a technical necessity exception, which may be granted by the Director after receiving a recommendation from the Telecommunications Facilities Group, provided that even where a technical necessity exception is allowed, the applicant shall, to the extent it can, meet the requirements of this section. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed.

- (1) *New Poles and SWFs in Residential Districts.* No new utility poles or SWFs shall be permitted in a public right-of-way which is not more than 60 feet wide as depicted in the official plat records and adjacent to single-family residential lots, other multi-family residences, or undeveloped land that is designated for residential use by zoning or deed restrictions unless the applicant demonstrates to the reasonable satisfaction of the City's Director or Telecommunications Review Group that without such utility pole the applicant will be unable to will not meet the

applicant's reasonable wireless communication needs and qualifies for a technical necessity exception under this chapter. Evidence submitted with the application for the technical necessity exception may consist of, but shall not be limited to, the following things:

- a. No existing poles with a suitable height are located within the geographic area required to meet the applicant's engineering requirements even if applicant increases the number of existing poles and antennas it uses;
- b. Existing poles do not have sufficient structural strength to support applicant's proposed SWF;
- c. The applicant's proposed SWFs would cause electromagnetic interference with the SWFs on the existing SWFs or the existing SWF would cause interference with the applicant's proposed SWF;
- d. The applicant demonstrates that there are other limiting factors that render existing poles, cabinets and other SWFs on or in which applicant might collocate unsuitable for collocation; and
- e. Any poles erected anywhere other than at the intersections of streets shall be centered between trees where practicable, but shall be no closer than ten feet from any tree in the ROW.

(2) *Independent Consultant Review.*

- a. The City Council authorizes the Community Development Director to, in his or her discretion, select and retain an independent consultant with expertise in telecommunications satisfactory to the Community Development Director in connection with any permit application.
- b. The Community Development Director may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to: Permit application completeness or accuracy; planned compliance with applicable RF exposure standards; whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity; whether technically feasible and potentially available alternative locations and designs exist; the applicability, reliability and/or sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and any other issue that requires expert or specialized knowledge identified by the Community Development Director.
- c. The applicant must pay for the cost of such review and for the technical consultant's initial testimony as requested by the Director, and must provide a reasonable advance deposit of the estimated cost of such review with the City prior to the commencement of any work by the technical consultant. The applicant must provide an additional advance deposit to cover the consultant's testimony and expenses at any meeting where that testimony is requested by the Community Development Director. Where the advance deposits are insufficient to pay for the cost of such review and/or testimony, the Director shall invoice the applicant who shall pay the invoice in full within ten calendar days after receipt of the

invoice. No permit shall issue to an applicant where that applicant has not timely paid a required fee. The Director has the discretion to hold a public hearing in deciding matters under this section.

(k) *Performance Bonds.* Each wireless service provider shall provide to the City and shall maintain for the period it has SWFs in the City's ROW a bond to assure the performance of its obligations under this section with a company with an A.M. Best's rating of B+ or better in an amount of 140 percent of the City's reasonable estimated cost of removal of the facilities to be installed or constructed by applicant. The City may require that the amount of the surety bond be increased if the City reasonably believes that the amount of the bond is insufficient to cover the City's cost of removal of a wireless service provider's facilities or support poles, or if the wireless service provider increases the number such poles or facilities. If the wireless service provider fails to perform its obligations under this chapter in any respect, including making any payment to the City required by this agreement or by applicable law for reimbursable costs incurred by the City, the City may, after 30 days' written notice to the wireless service provider, if the obligation is not performed by the wireless service provider, withdraw or make a claim for that amount from the security fund.

(l) *Related Accessory Equipment.* Related accessory equipment for all SWFs shall meet the following requirements: All shall be placed on or inside of poles where they meet stealth requirements, or placed underground or flush-mounted to ground level consistent with U.C.A. 1953, § 54-21-207. Cabinets and other accessory components which cannot feasibly be placed underground shall be grouped as closely as reasonably possible and camouflaged to the extent reasonably possible unless otherwise approved by the Director; the total footprint on or under the ground of the SWF shall not exceed six square feet; and no SWF or related accessory equipment shall exceed 30 feet in height, unless placed on or inside of poles.

(1) *Lighting.* SWFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, except in cases in which the SWF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, it must be approved by the Director. The City may review the available lighting alternatives and approve the design that would cause the least disturbance to the nearby properties and surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. No visible flashing indicator lights or similar devices will be allowed in the right-of-way, unless part of existing light poles where lighting is an intended use, and unless such flashing lights or similar devices are part of the City's normal lighting program for such facilities, unless otherwise approved by the Director for good cause.

(2) *Noise.* Noise generated at the site of a SWF must not exceed the levels permitted by City or Salt Lake County ordinances, except that a SWF permittee may, when necessary, exceed such standards for a reasonable period of time during installation, removal and repairs, not to exceed two hours in any day without prior authorization from the City.

(m) *Pruning Trees and Shrubs.* If a permittee or its contractor determines that trees and vegetation in the right-of-way interfere with the installation, maintenance, or removal of applicant's SWFs and need trimming, it shall request of the Public Works Department that such trimming or pruning be done with sufficient specificity for the City to assess the need to perform the work. If the trees or vegetation

unreasonably interfere with the permittee's needed installation, removal or maintenance of such SWFs, and if the City has not trimmed or removed the vegetation within 15 days of such request, then the permittee may by its own employees or by a contractor perform the needed work, provided (i) that it first give at least three business days' written notice to the Public Works Department of the work it intends to do in detail with respect to each tree or shrub, and (ii) provided the Public Works Department does not send a written objection before the end of the three-day period. The Public Works Department may allow such trimming and pruning on less notice when the need to trim a tree or vegetation is due to an emergency, or is urgently needed in order to repair a SWF which is seriously damaged or is not operating properly. All pruning and trimming performed by or for a permittee shall comply with City ordinances and the American National Standard for Tree Care Operation (ANSI A300) and Best Management Practices: Utility Pruning of Trees and be conducted under the direction of an arborist certified with the International Society of Arboriculture.

(n) *Damage and Repair.*

- (1) *Damage by applicant or permittee.* No applicant for or permittee of any SWF, or anyone acting on such person's behalf shall take any action or permit any action to take place which may impair or damage any right-of-way or the property of another located in, on, or adjacent thereto. If a wireless service provider's activity causes damage to a right-of-way, the wireless service provider shall repair the right-of-way to substantially the same condition as before the damage. If a wireless service provider fails to make a repair required by an authority under Subsection(s) within a reasonable time after written notice, the authority may: make the required repair; and charge the wireless service provider the reasonable, documented, actual cost for the repair. If the damage described in Subsection (n)(1)b of this section causes an urgent safety hazard, an authority may: immediately make the necessary repair; and charge the wireless service provider the reasonable, documented, actual cost for the repair.
 - a. *Notice of Work.* Unless otherwise provided in a permit, no person or anyone acting on such person's behalf shall commence any non-emergency work in or about the right-of-way without ten days' written notice to the Department of Public Works and permittees of property adjacent or near the work area and likely affected by such work of the intent to do so. The notice shall contain a reasonably detailed description of the work to be performed, the properties and area to be affected by it, and a reasonable estimate of the time the work is expected to take. The Department of Public Works may develop a procedure for dispensing with this notice procedure in situations where the impact of the work to be performed is not substantial, or in cases of emergency where notice is not practical in the discretion of the Department.
 - b. *Repair and Emergency Work.* In the event of an unexpected and urgently needed repair or emergency, a permittee may commence repair or emergency work as reasonably required under the circumstances, provided notice is given to the City and property owners as promptly as possible, which shall contain all required information, and reasonably detailed information about the work performed and how it is likely to affect the City, the public using the right-of-way, the adjacent or nearby property or permittees, utility and telecommunications equipment permittees.

- c. *Removal of Unauthorized SWFs.* Within 45 days of written notice by the City, a permittee shall, at its sole expense, remove any SWF from the right-of-way upon any of the following events:
 - 1. Termination or expiration of such person's permit, approval, or license under which the SWF was authorized;
 - 2. Abandonment of a SWF within the right-of-way;
 - 3. The facility having been constructed or located without the prior grant of a permit, or constructed or located at a location not so permitted; or
 - 4. Circumstances reasonably determined by the City to be inconsistent with public health, safety, or welfare, the circumstances of which were not known at or which arose after the time of the issuance of any permit, approval, or license.
 - d. *Failure to Remove or Relocate.* If any person subject to this section who owns, controls, or maintains any unauthorized SWFs within the right-of-way fails to remove or relocate any SWFs as required in this section, the City may cause such removal or relocation and charge the permittee for the costs incurred.
 - e. *Emergency Removal or Relocation of SWFs.* The City reserves the right to cut, alter, remove, or relocate any SWFs located within the right-of-way as necessary in the event of an imminent or current public health or safety emergency.
- (2) *Damage to SWFs by City.* The City shall not be liable for any damage or destruction of any SWF damaged by the City, its contractors or agents which was not relocated or removed by the permittee within the time required by the City.
- (o) *Insurance.*
- (1) Unless specifically agreed to by the City after evaluating the risk, a person subject to this section shall secure and maintain in force the following liability insurance policies (or evidence of self-insurance satisfactory to the City):
 - a. Two million dollars for personal injury or death to any one person and \$3,000,000.00 aggregate for personal injury or death per single accident or occurrence.
 - b. Two million dollars for property damage to any one person and \$3,000,000.00 aggregate for property damage per single accident or occurrence.
 - c. Two million dollars for all other types of liability including claims for damages for invasion of the right of privacy; for defamation of any person, firm, or corporation; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or for damage to any other person, firm, or corporation arising out of or alleged to arise out of failure to comply with the provisions of any statute, regulation or resolution of the United States, State of Utah, or any local agency with jurisdiction.
 - (2) Such insurance shall specifically name as additional insured the City, its officers, volunteers and employees, and shall further provide that the policy shall not be modified or canceled during the life of the permit without giving at least 30 days' written notice to the City.

- (3) A person subject to this section shall file with the City copies of all Certificates of Insurance showing up-to-date coverage, additional insured coverage, and evidence of payment of premiums as set forth above before commencing any work in the right-of-way, and upon request by the City. Coverage shall not be changed or canceled without approval of the City, and failure to maintain required insurance may be considered a breach of this agreement. The City may at its option review all insurance coverage. If it is determined by the City Risk Manager that circumstances require and that it is reasonable and necessary to increase insurance coverage and liability limits to adequately cover the risks of the City, the City may require additional insurance to be acquired. The City shall provide written notice should the City exercise its right to require additional insurance. All insurance shall provide 30 days' prior written notice to the City in the event of modification or cancellation. The City shall be provided written notice within 30 days after any approved reduction in the general annual aggregate limit.
- (4) The Director or the City's Risk Manager may require increases in insurance coverage when the dollar values change by more than 20 percent as measured by the CPI-U.

(p) *Indemnification.* A person subject to this section shall, at its sole expense, fully indemnify, defend and hold harmless the City, and in its capacity as such, the officers and employees thereof, from and against any and all claims, suits, actions, liability and judgments for damage or otherwise (except those arising from the sole negligence on the part of the City, its employees or agents):

- (1) For actual or alleged injury to persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, in any way arising out of or through or alleged to arise out of or through the acts or omissions of such person or its officers, agents, employees, or contractors or to which such person or its officers', agents', employees' or contractors' acts or omissions in any way contribute, and whether or not such acts or omissions were authorized or contemplated by the permit or applicable law;
- (2) Arising out of or alleged to arise out of any claim for damages for such person's invasion of the right of privacy, defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation; and/or
- (3) Arising out of or alleged to arise out of such person's failure to comply with the provisions of any statute, regulation or applicable policy of the United States, State of Utah or any local agency applicable to such person in its business. Nothing herein shall be deemed to prevent the City, its officers, or its employees from participating in the defense of any litigation by their own counsel at such parties' expense. Such participation shall not under any circumstances relieve a person subject to this section from its duty of defense against liability or of paying any judgment entered against the City, its officers, or its employees.

(q) *Assignments or Transfers of Permits.* The City reserves the right to require in any permit issued under this section that ownership or control of a person subject to this section shall not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of such person, by operation of law or otherwise without the prior written consent of the City, which

consent the City may withhold or condition in its discretion. The subleasing of the space on poles is permitted, subject to the terms of this section and the terms of any license or lease agreement for use of the poles.

- (1) Absent extraordinary and unforeseeable circumstances, no permit shall be assigned or transferred before construction of the SWFs has been completed.
- (2) A permittee and the proposed assignee or transferee shall provide and certify the following to the City not less than 120 days prior to the proposed date of transfer: Detailed information setting forth the nature, terms and conditions of the proposed assignment or transfer; all information otherwise reasonably required by the City of a permit applicant under this section with respect to the proposed assignee or transferee; and an application fee which shall be set by the City, plus any other costs actually and reasonably incurred by the City in processing and investigating the proposed assignment or transfer.
- (3) No transfer shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to carry on the activities of the permit required by applicable laws, ordinances, approvals, licenses and permits.
- (4) Any transfer or assignment of a permit without the prior written consent of the City as set forth herein shall be void and shall result in revocation of the existing permit.
- (5) Before a transfer is effective, the transferee shall file with the Director a signed statement signed by the transferee that the transferee shall accept of all permit terms and conditions. Failure to submit the notice required herein shall be a cause for the City to revoke the applicable permits pursuant to and following the procedure set out in this section.

(r) *Transfers Affecting Control.* Any transactions which singularly or collectively result in a change of 50 percent or more of the ownership or working control of the permittee, or of the ownership or control of affiliated entities which have ownership or working control of the permittee, or of control of the capacity or the SWFs or substantial parts thereof shall be considered an assignment or transfer requiring City approval. Transactions between affiliated entities are not exempt from City approval; however, a transfer by a permittee to another person or entity controlling, controlled by, or under common control with the permittee shall not require City approval, provided notice thereof is timely provided to the City. Approval shall not be required for mortgaging purposes.

(s) *Obligation to Comply with this Section.* An applicant or permittee shall not be relieved of its obligation to comply with every provision of this Code, this section, any permit issued hereunder or any applicable law or regulation by reason of any failure of the City to notice, enforce or prompt compliance by the applicant or permittee.

(t) *Conflicts with Prior Ordinances.* In the event that any City ordinance or regulation, in whole or in part, adopted prior to the effective date of this section, conflicts with any provisions in this section, the provisions of this section will control.

(u) *Violations.* Any unauthorized installation made prior to obtaining a permit, approval of an applicant's master plan, and violations of other related requirements of the City, may be grounds for denial of an application, or other sanctions allowed by law.

(v) *Revocation or Termination.*

- (1) A permit granted hereunder may be revoked (or revoked in respect to those facilities in the permit determined to violate the following subsections) for the following reasons:
 - a. Construction or operation anywhere in the City without a permit contrary to City ordinances;
 - b. Construction or operation at an unauthorized location;
 - c. Unauthorized assignment of a permit;
 - d. Unauthorized sale, assignment or transfer of all of a permittee's assets, or a substantial interest therein;
 - e. Misrepresentation by or on behalf of a person in any application upon which the City relies in making any decision herein;
 - f. Abandonment of SWFs in the ROWs without timely removal and restoration as required by law;
 - g. Failure to relocate or remove SWFs as required in this section;
 - h. Failure to pay taxes, compensation, fees or costs when and as due;
 - i. Insolvency or bankruptcy of the permittee;
 - j. Violation of a provision of this section; or
 - k. Violation of the terms of a permit.
- (2) Standards for Revocation or Lesser Sanctions. In determining whether a person subject to this section has violated or failed to comply with provisions of this section or of a permit, the Director shall determine the appropriate action to take considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:
 - a. Whether the misconduct was egregious;
 - b. Whether substantial harm resulted;
 - c. Whether the violation was intentional;
 - d. Whether there is a history in the City or in other jurisdictions within the last five years of prior violations of the same or other requirements;
 - e. Whether there is a history of overall compliance in the City or in other jurisdictions within the last five years; and
 - f. Whether the violation was voluntarily disclosed, admitted or cured.

(w) *Notice and Duty to Cure.* In the event that the City believes that grounds exist for revocation of a permit, the City shall give the person subject to this section written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing such person a reasonable period of time not exceeding 30 days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance.

- (2) That rebuts the alleged violation or noncompliance.
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(x) *Limited Exemptions from Standards.* All exemptions granted under this section are subject to review and reconsideration by the Community Development Director. The applicant always bears the burden to demonstrate why an exemption should be granted. An applicant seeking an exemption under this section for SWFs on the basis that a permit denial would effectively prohibit personal wireless services must demonstrate with clear and convincing evidence all the following: A significant gap in an applicant's service coverage exists; and all alternative sites identified in the application review process are either technically infeasible or not potentially available.

(y) *Appeals.* A person aggrieved by a decision of the City may appeal to the City's Board of Adjustment, and may not appeal to district court without first appealing to the Board of Adjustment.

(z) *Severability.* If any provision of this section or any amendments thereto is in conflict with any applicable federal or state law now in force or hereafter enacted, such provision shall be inoperative to the extent of such conflict and be treated as though it had not been included herein, but all other provisions of this section shall remain in force. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this section unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this section. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this section irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this section might be declared unconstitutional, preempted or otherwise invalid.

(aa) *Headings and Captions.* Headings and captions used in this section other than the section, article, division and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

(bb) *Force Majeure Events.*

- (1) Neither a wireless service provider nor the City shall not be in breach of its obligations under this section nor shall the City or a wireless service provider incur any liability to the other for any losses or damages of any nature whatsoever incurred or suffered by that other (otherwise than under any express indemnity in this section) if and to the extent that it is prevented from carrying out those obligations by, or such losses or damages are caused by, a force majeure event, except to the extent that the relevant breach of its obligations would have occurred, or the relevant losses or damages would have arisen, even if the force majeure event had not occurred (in which case this section shall not apply to that extent).
- (2) As soon as reasonably practicable following the date of commencement of a force majeure event, and within a reasonable time following the date of termination of a force majeure event, the wireless service provider or the City invoking it shall submit to the other reasonable proof of the nature of the force majeure event and of its effect upon the performance of the wireless service provider's or the City's obligations under this agreement.

- (3) Each wireless service provider and its subcontractors shall, at all times take all reasonable steps within their respective powers and consistent with good operating practices (but without incurring unreasonable additional costs) to:
- a. Prevent force majeure events affecting the performance of the provider's obligations under this section;
 - b. Mitigate the effect of any force majeure event; and comply with its obligations under this section.
- (4) A wireless service provider and the City invoking a force majeure event shall consult together in relation to the above matters following the occurrence of such an event. The term "force majeure event" means the occurrence of:
- a. An act of war (whether declared or not), hostilities, invasion, act of foreign enemies, terrorism or civil disorder;
 - b. Ionizing radiations, or contamination by radioactivity from any nuclear fuel, or from any nuclear waste from the combustion of nuclear fuel, radioactive, toxic, explosive or other hazardous properties of any explosive nuclear assembly or nuclear component thereof;
 - c. Pressure waves from devices travelling at supersonic speeds or damage caused by any aircraft or similar device;
 - d. A strike or strikes or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not), in each case affecting on a general basis the industry related to the affected services and which is not attributable to any unreasonable action or inaction on the part of the wireless facilities provider or any of its subcontractors or suppliers and the settlement of which is beyond the reasonable control of all such persons;
 - e. Specific incidents of exceptional adverse weather conditions in excess of those required to be designed for in this section which are materially worse than those encountered in the relevant places at the relevant time of year during the 40 years prior to the time the wireless services provider first provides service through SWFs within the City;
 - f. Tempest, tornado, earthquake or any other natural disaster of overwhelming proportions;
 - g. Pollution of water sources;
 - h. Discontinuation of electricity supply; or
 - i. Other unforeseeable circumstances beyond the control of the wireless service provider against which it would have been unreasonable for it to take precautions and which it cannot avoid even by using its best efforts, which in each case directly causes the wireless service provider to be unable to comply with all or a material part of its obligations under this section.

(Ord. No. 18-28, § 1(15A-11-25), 9-20-2018) fck

Sec. 21-11-26. Residential Short-Term Rental (STR).

(a) Purpose. This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multifamily neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of Sandy residents and preserving the residential character of Sandy neighborhoods. In allowing STRs, it provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting and preserving affordable housing in Sandy City. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.

(b) Residential Short-Term Rental (STR). A STR is prohibited in all residential dwellings, residential districts, residential PUD districts and residential SD districts without first obtaining a STR special use permit as regulated in this section and being issued a valid short-term rental business license (STRL). The following are exempt and shall not be subject to the provisions of this section:

- (1) A residential lease of 30 or more consecutive days.
- (2) Bed and breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code this Sandy City Code, shall not be subject to the provisions of this section.

(c) General Standards and Requirements. A STR use may be allowed within any existing legal owner-occupied residential dwelling by an administrative special use permit from the Community Development Department, wherein the application demonstrates compliance with requirements found in the Sandy Land Development Code and this Sandy City Code and all of the following standards and requirements:

- (1) Application. A completed application form as provided by Sandy City.
- (2) Property Description. A detailed written description and/or drawing of the property that identifies the use of each room of the dwelling and defines the portions of the dwelling to be used for a STR shall be provided. Only one designated STR area is allowed for a property.
- (3) Owner Occupancy. The owner of the subject property shall live in the primary dwelling in which a STR is desired, and must reside therein as their primary residence.
 - a. An individual shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50 percent or more ownership of the proposed STR. The fee title owner may not be a corporation, partnership, limited liability company, or similar entity.
 - b. To establish that the property is the owner's primary residence, the owner shall:
 1. Present the owner's most recent State and Federal tax returns both listing the property as the owner's primary residence; and
 2. Present a government-issued identification document listing the address of the property as the address of the owner; and
 3. A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per calendar year.

- (4) Occupancy During Rental Period. The subject property shall comply with the following occupancy restrictions:
- a. The maximum renter occupancy shall be no more than eight related people or four unrelated people in the area to be used for a STR and the maximum occupancy shall not include the owner.
 - b. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
 - c. A property shall not be rented as a STR for more than 182 nights per year.
 1. The owner may reside on the property while it is occupied by a renter.
 2. The property shall only be rented for a minimum duration of one night and a maximum of 29 consecutive nights.
 3. There must be a renter vacancy period of one consecutive night between each rental.
 - d. A property with a valid accessory apartment conditional use permit may use the apartment as a STR and have the accessory apartment be rented for up to 365 nights per year. The owner may not reside in or use the accessory apartment unit while it is occupied by a renter.
- (5) Parking Plan. A detailed written description and/or a drawing of an off-street parking plan must be provided to ensure that all occupants of the home and STR can be accommodated on-site at all times. Parking shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit and may not include any on-street parking. Any proposed parking improvements may also be included in the off-street parking plan, so long as they are completed prior to issuance of a STRL. All elements of the parking plan must be in compliance with all other requirements of this title.
- (6) Conflict of Private Restrictions. The owner shall provide a signed affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.
- (7) Urgent Response. The owner, or a designated representative, shall be available to immediately respond 24 hours per day, 365 days per year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three attempted contacts by Sandy City, a notice of violation will be issued.
- (8) Property Maintenance Requirements. All short-term rentals shall adhere to this Code, including, but not limited to:
- a. Maintenance. Owners must adhere to the Property Maintenance chapter of this Code, including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
 - b. Snow Removal. Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall in accordance with this Code.

- c. Noise and Nuisance Control. Owners shall ensure that renters adhere to the noise control chapter of this Code. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the property by the owner.
- (9) Noticing and Posting Requirements.
- a. One nameplate sign that includes the name and the 24/7 contact information for the owner, or a designated representative, must be posted on the exterior side of the main entrance of the STR.
 - b. An informational packet must be posted in a highly visible place within the dwelling or STR area, and must include all of the following:
 1. City-issued STRL.
 2. 24/7 owner, or a designated representative, contact information.
 3. Parking requirements.
 4. Maximum occupancy.
 5. The noise ordinance of this Code.
 6. Garbage pickup dates, and a written description of where garbage receptacles must be placed for pickup.
 7. Contact information for the Sandy City Police and Fire Departments.
 8. Other contact information as required by the Community Development Department.
 9. Any other appropriate requirements as specified by the Community Development Director, through the special use permit process.
- (d) Limited Number of STRs. The total number of STR special use permits issued within Sandy City shall be limited as follows:
- (1) The maximum number of STR special use permits shall be calculated for each community within Sandy City. Each community shall have a minimum base of two STR permits plus one permit for every 100 single-family detached dwellings within the community boundary.
 - (2) The total number of available permits shall be recalculated biennially based on an estimated number of single-family dwellings within Sandy City derived by the Community Development Department.
 - (3) If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the community the proposed STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a special use approval becomes available. A complete application shall include completion of all requirements of Subsection (c) of this section.

(e) Violations. It shall be a violation for any person to operate a STR:

- (1) Without first obtaining a STR special use permit, as regulated in this section, and issued a valid STRL; or
- (2) That does not comply with the requirements of this chapter, this Code, or the Sandy City Land Development Code.

(f) Enforcement and Fines. Upon a determination that a violation exists, the Community Development Director, or designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director, or designee, may determine.

- (1) Each day that a violation occurs or continues is a separate violation.
- (2) For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 - a. For the first violation within any 12-month period, the penalty shall be \$500.00.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.00.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000.00 and revocation of the STRL and special use permit. The owner shall be ineligible for a STR special use permit and a STRL for a period of two years from the date of the third notice of violation.
 - d. For any violation within any 12-month period following the third violation, the penalty shall be \$1,000.00 and the STR owner shall be banned from receiving a STR special use permit and a STRL.

(Ord. No. 18-21, § 1(15A-11-26), 8-30-2018)

CHAPTER 21-12. HISTORIC SANDY DEVELOPMENT OVERLAY ZONE

Sec. 21-12-1. Purpose.

(a) The Historic Sandy Development (HSD) Overlay Zone is established to provide a floating zone to be used in appropriate locations within Historic Sandy in conjunction with the underlying R-1-7.5(HS) or other residential zones within the defined area and to provide subdivision design incorporating traditional neighborhood standards. Historic Sandy is an area bounded by 9000 South on the south, State Street on the west, 8400 South on the north, and 700 East on the east. The HSD Overlay Zone may not be utilized for properties outside of these defined boundaries. New developments outside of the Historic Sandy area may use the Residential Conservation Overlay Zone as an alternative. The Historic Sandy Development (HSD) Zone represents a departure from typical zoning to the extent that it requires physical design that promotes human scale pedestrian activity (walkability) through the incorporation of specific development guidelines. These guidelines include controlling architectural elements, driveways, walkways, landscaping, street design, and other pedestrian elements.

(b) The overall desired effect of this zone is to provide a quality living environment that encourages contact between neighbors, provides quality housing for families in various stages of the life cycle, discourages crime (through natural surveillance design), reduces overall vehicle trips, and improves air quality. Proposed developments with increased land intensity and housing density, but without the above walkable elements, are unacceptable in the overlay zone.

(c) The overlay zone is intended to create efficient usage of land by controlling the intensity of land use, providing sufficient critical mass, and design features to create a walkable neighborhood. (LDC 2008, § 15A-12-01; Ord. No. 15-35, 11-23-2015; Ord. No. 16-06, 2-5-2016)

Sec. 21-12-2. Procedures.

(a) All submissions shall be made well in advance of planned construction for proper coordination and feedback and shall be reviewed by the City Development Committee and/or respective architectural review body before submittal to the Planning Commission.

(b) Prior to the Planning Commission taking action, plans must be submitted in accordance with the subdivision procedures.

(c) The Planning Commission will review all HSD proposals. The Planning Commission shall consider potential changes to traffic, parking, pedestrian activity, and other impacts. (LDC 2008, § 15A-12-02)

Sec. 21-12-3. Uses Allowed.

(a) *Location Criteria.* Historic Sandy developments may be located at infill locations where walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, churches) are already present or planned.

(b) *Ancillary Uses.* All permitted and conditional land uses within the HSD Zone may conduct ancillary uses, as specifically defined within Chapter 21-37, provided such use is not regulated by other sections or is listed as a non-permitted land use in the underlying zone district.

(c) *Permitted and Conditional Uses.* The Historic Sandy Development (HSD) Zone is an overlay district, and, as such, permitted and conditional uses are governed by the requirements and standards of the specific underlying residential zone. Except as otherwise stipulated in the HSD Zone, development proposals shall comply with the requirements of the underlying zone. (LDC 2008, § 15A-12-03)

Sec. 21-12-4. Lot and Building Placement/Design Requirements.

The following standards are to be considered as applying specifically to development in the HSD Zone in addition to general standards elsewhere in this title:

- (1) *Historic Sandy Development Plan.* Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining property own-

ers. The intent is to achieve an overall walkable neighborhood development with appropriate pedestrian connections, cross-easements, common driveways, consistent site standards, etc., even though properties may be individually owned.

- (2) *Parcel Size.* Parcels shall be of sufficient size to assure compliance with building setbacks, landscaping, access, off-street parking requirements, and walkability standards based upon the following minimum standards:

Minimum Parcel Size and Setback Minimum Requirements

<i>Zone</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Frontage</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback—Between Foundation Walls</i>	<i>Rear Yard Setbacks—Foundation to Property Line</i>
R-1-7.5	5,000 s.f.	50 ft.	10' to porch 15' to living area 20' to garage (see graphic)	5'/10' 6'/12' for multi-story homes	15'

*The side yard setbacks as shown is the minimum for one side and a total for both sides.

- (3) *Housing Types.* A blend of housing types such as single-family, twin home, and town homes may be determined by the Planning Commission depending upon the existing adjacent neighborhood, size, scale, and location of the property. Lot sizes and lot frontages may be modified by the Planning Commission for town home buildings not exceeding four units or twin homes. Zero lot line or common wall construction for town homes and twin homes may be considered based upon subdivision layout design.

- (4) *Multifamily Standards.*

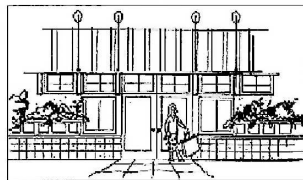
- a. Twin home or town home developments may be considered in three different areas within Historic Sandy (as shown in the Historic Sandy Neighborhood Plan).
 - 1. One block south and approximately 350 feet north of Main Street.
 - 2. One block west and approximately 500 feet east of the TRAX corridor, not extending north of 8680 South Street.
 - 3. Between 8680 South and 8770 South 620 East.
- b. If approved by the Planning Commission, any twin home or town home development that has enough public frontage that could provide at least one on-street parking space for each unit may be allowed to build single-car garages.
- c. All twin home or town home developments must be rear loaded.

- (5) *Building Placement.*

- a. *Building Orientation.* The entrances of all dwellings shall front onto public streets or open space with entrance sidewalks directly accessing the street sidewalk. On a case-by-case basis, a limited number of dwelling units, attached or unattached, fronting onto a private driveway may be approved, as deemed appropriate by the Planning Commission, depending on the size, scale, design, location, topography, or other natural features associated with the property.

- b. *Building Height.* Dwelling structures shall comply with the height requirements of the underlying residential district.
- (6) *CPTED (Crime Prevention Through Environmental Design).* Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses, landscaping, and open space areas.
- a. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two to three feet at full maturity, and trees with a ground clearance of eight feet at full maturity above walkways and sidewalks, and 14 feet at full maturity above vehicular travel and parking lanes.
 - b. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Developments shall have street side dwelling elevations with extensive windows with balconies, decks or landscape terraces being encouraged. Symbolic barriers, such as low lying fences/walls and landscaping, shall be used to discourage crime and promote safety.
 - c. Fences or walls, if desired by the applicant, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. Approved fences or walls shall be compatible in color, texture, and design in relationship to building materials. Landscape buffers are preferred over fences and walls where separation is desirable. A visually open look shall be encouraged. Landscape buffers which create outdoor rooms are often more important than a physical separation.

Natural Surveillance



(LDC 2008, § 15A-12-04; Ord. No. 10-26, 7-30-2010; Ord. No. 13-18, 8-22-2013)

Sec. 21-12-5. Architectural Design and Materials.

(a) The treatment of buildings, materials, and exterior appurtenances shall create an aesthetically pleasing dwelling and site that is in character with the proportions of other surrounding historic structures, and yet provides diversity in design. An architectural balance of building materials, colors, design features, and textures which create random compatibility shall be sought.

(b) Historic Sandy has a three-tier design system for development which was adopted as part of the Historic Sandy Neighborhood Plan. Tier 1 is characterized by modest homes built in the late 1800s to mid-1900s in the blocks immediately surrounding the original Sandy commercial district, as well as a

corridor along Locust Street and 8800 South. Tier 2 consists of a wide variety of residential home types from very early bungalows to modern homes. Tier 3 is an area that has the most typical post-war suburban development pattern. Sensitivity must be shown to better blend into existing historical and non-historical homes.

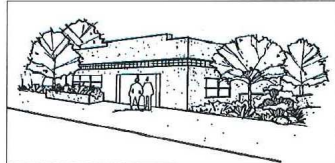
- (c) These different tiers are identified in the Master Plan and shown below.



(d) The following requirements are applicable to any new development or a remodel of a contributing structure:

- (1) The Planning Commission shall review and approve building elevations and materials for all projects within a HSD Overlay Zone, particularly where exposed to pedestrian and/or vehicular traffic. For new subdivisions, the developer will be required to create design guidelines for new homes to ensure compatibility with the homes in the area. Considerations for these guidelines may include, but not be limited to, gables, dormers, shutters, other window treatments, street side balconies/decks, and wrap-around porches (particularly on corner lots).
- (2) Basic building materials for all residential uses shall be predominantly one material of brick, stone, or masonry. Limited amounts of stucco and composite or wood siding may be considered if the quality of the design merits such consideration (no vinyl or aluminum siding allowed).
- (3)
 - a. *Tier 1.* Architectural materials and elevations shall be reviewed by the Planning Commission, after a recommendation from the Historic Preservation Committee. The elevations and materials must be architecturally compatible with one of the different housing styles (e.g., Colonial, Bungalow, and Craftsman) that may be found within the surrounding area. For all new single-family dwellings built within the Tier 1 neighborhood, the garage must be recessed from the front porch by ten feet or be detached.
 - b. *Tier 2.* Architectural materials and elevation shall be reviewed by the Planning Commission. Any remodel of an existing contributing structure or new developments within 200 feet of a contributing structure on the same street must first be reviewed by the Historic Preservation Committee (as identified on the latest reconnaissance survey on file with the Community Development Department). If this is the case, then elevations and materials must be architecturally compatible with one of the different housing styles (e.g., Colonial, Bungalow, and Craftsman) that may be found on the same street.
 - c. *Tier 3.* Architectural materials and elevation shall be reviewed by the Planning Commission. Any remodel of an existing contributing structure or new developments within 100 feet of a contributing structure on the same street must first be reviewed by the Historic

Preservation Committee (as identified on the latest reconnaissance survey on file with the Community Development Department). If this is the case, then elevations and materials must be architecturally compatible with one of the different housing styles (e.g., Colonial, Bungalow, and Craftsman) that may be found on the same street.



Acceptable



Unacceptable

- (4) Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. (LDC 2008, § 15A-12-05)

Sec. 21-12-6. Landscaping.

Front yard landscaping is required to be installed by the developer. If open space and other common areas are provided in the development, these areas may be required to be landscaped by the developer. Guidelines for required landscaping are established to improve and then maintain site qualities while minimizing alteration, removal, or degradation of approved and installed landscaping. Landscaping shall follow CPTED principles and the Section 21-25-4.

- (1) When landscaping is required, no plans for any building, structure or other improvements shall be approved unless a satisfactory Landscape and Streetscape Plan has also been submitted and approved.
- (2) Landscaping in accordance with the approved plans must be installed within 30 days following the occupancy of the site or as otherwise approved by the City as seasonal conditions may suggest.
- (3) The land area not occupied by buildings, structures, hard surfacing, vehicular driveways, or pedestrian walkways shall be kept clear of weeds or landscaped.
- (4) The developer shall submit a guarantee for such landscape improvements to ensure that installations are completed as submitted and approved.
- (5) The developer shall install the following:
 - a. *On-Site Trees and Shrubs.* In addition to the required street trees, a minimum of one evergreen tree (six feet minimum) is required for each home. A variety of shrubs and flower beds shall also be provided for each home.
 - b. *Street Trees.*
 1. A minimum two-inch caliper street trees as measured six inches above grade shall be installed by the developer/builder located between the curb and sidewalk along all

rights-of-way. In order to facilitate the planting of street trees, an eight-foot parkstrip and five-foot sidewalk is the standard requirement. Reduced parkstrip and sidewalk width may be approved based upon size, scale, and nature of the project and the type of existing improvements on adjacent properties. However, a ten-foot cross-section (five foot parkstrip, five foot sidewalk) is the minimum and may necessitate tree planting behind the sidewalk.

2. The species type, location, and spacing of trees shall be shown on the approved Landscape Plan and be in compliance with designated streets within the City's Streetscape Plan. For streets not specified in the Streetscape Plan, the Planning Division may recommend different trees that would be appropriate for the area.
- c. *Installation.* It shall be the responsibility of the developer/builder to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- d. *Maintenance.* It shall be the responsibility of the developer, property owner and/or property association to properly maintain landscaped areas, including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.

(LDC 2008, § 15A-12-06)

Sec. 21-12-7. Outdoor Lighting.

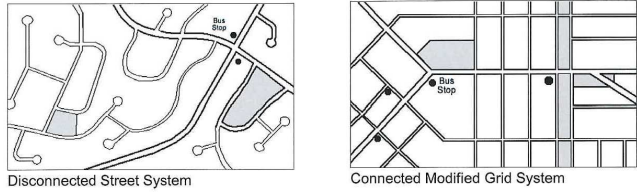
(a) The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall-mounted floodlights must be directed downward to avoid light spill on adjacent property. Indirect lighting, bollard lighting, and landscape lighting is encouraged.

(b) The amount and type of lighting will be evaluated on how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that safety lighting is provided while neighboring areas are protected from glare or excessive direct light. Street light design fixtures shall be installed as required by the street lighting policy.

(LDC 2008, § 15A-12-07)

Sec. 21-12-8. Streets and Pedestrian Ways.

(a) *Streets.* All accesses within a HSD shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where practically possible. Cul-de-sac streets will not be approved unless it can be demonstrated that no other practical way exists to provide connectivity. In order to uphold and enhance HSD principles, private streets are highly discouraged and gated communities are prohibited.



(b) *Widths.* Street widths shall be determined during site plan review as may be recommended by the City Transportation Engineer and approved by the Planning Commission. In general, streets shall be designed to meet the level of travel and service while incorporating principles of traffic calming and pedestrian compatibility (e.g., tree lined streets with pedestrian ways and linkages, decreasing the need for pavement width by spreading traffic through a grid, or modified street hierarchy system).

(c) *Sidewalks and Walkways.* The design of pedestrian ways may include a solitary meandering pathway or trail or other possible designs as may be approved by the Planning Commission. Choice of appropriate pedestrian access will be made based upon the scale and type of the HSD project being proposed.

(d) *Pedestrian Connections.* Crosswalks shall be incorporated within the project, at intersections, within parking lots, or other needed pedestrian connections as approved by the Transportation Engineer. Crosswalks shall be so configured to be a design feature of the development (e.g., heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use). Bulb-outs and other pedestrian designs may be used to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians.

(LDC 2008, § 15A-12-08)

Sec. 21-12-9. Other Forms of Transportation.

All forms of transportation shall be considered within and without the HSD with the intent to improve convenience and reduce vehicle trips. All forms of transportation should be encouraged, including bus, bicycle, and pedestrian. Access connections may be required when deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities. This is subject to review and recommendation by City staff, including Parks and Recreation, Planning, and Police Departments, and the City Transportation Engineer.

(LDC 2008, § 15A-12-09)

Sec. 21-12-10. Environmental Concerns.

(a) Building, landscape, and solar design should be adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement planned in such a way to enhance livability and reduce energy costs.

(b) The use of lighter colored building materials for roof tops and fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking areas, etc., should use concrete or other materials that absorb less sunlight.

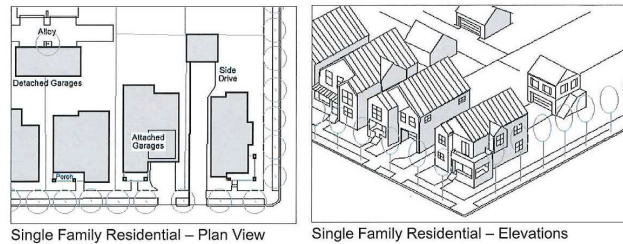
(c) Where possible, drought-resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants are discouraged. Compliance with Section 21-25-4 is required.

(LDC 2008, § 15A-12-10)

Sec. 21-12-11. Special Requirements Applicable to the HSD Overlay District.

The following HSD design elements shall be required:

- (1) Depending on the location, size, and scale of the project, a mix of housing types shall be employed (e.g., single-family detached, twin homes, town homes, etc.).
- (2) Where practical, the same land uses and housing types shall front each other or shall front open space.
- (3) Subservient garages (e.g., back loaded detached with alley access, front loaded detached, attached, side entry attached, or a combination of the above). The garage shall not exceed 50 percent of the front elevation. The garage must be recessed from the front porch by at least five feet, except in Tier 1, where a ten foot setback or a detached garage is required. Three-car garages are not permitted within Tier 1, and in portions of the Tier 2 (west of the railroad) neighborhoods.
- (4) Roofs with a five-twelfths pitch or greater.
- (5) Dwelling and garage gables facing streets and alleys.
- (6) Covered and open front porches comprising at least 50 percent of the front elevation (not including the garage), in no case being less than 15 feet in length.
- (7) Entry (porch) sidewalks that connect directly to street sidewalks.
- (8) Windows and doors are required to occupy at least 25 percent of the front elevation.
- (9) Dwelling footprints shall not occupy more than 50 percent of the lot, except in the following circumstances:
 - a. The home is within Tier 2 (east of the railroad) and Tier 3 neighborhoods;
 - b. The lot has at least 7,500 square feet; and
 - c. The home has a three-car garage, in which case the footprint shall not occupy more than 65 percent of the lots.
- (10) Primary entrance to the home shall be from a public street, unless a flag lot is approved by the Planning Commission.



(LDC 2008, § 15A-12-11)

Sec. 21-12-12. Utilities in Historic Sandy Developments.

All utility lines shall be 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 or maintained 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.

- (1) Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method. Placement of transformers in front setback locations, particularly on corners, is to be avoided.
- (2) Each contractor and owner/developer shall be responsible to know the location 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.
- (3) 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 relocated 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.

(LDC 2008, § 15A-12-12)

Sec. 21-12-13. General Maintenance of Historic Sandy Developments.

An overall maintenance schedule shall be implemented by property owners and/or property associations in maintaining all common buildings, common open spaces, courtyards, landscaping, fences, walls, drives, etc.

(LDC 2008, § 15A-12-13)

CHAPTER 21-13. RESIDENTIAL CONSERVATION OVERLAY ZONE

Sec. 21-13-1. Purpose.

In an effort to encourage water conservation, improve the long-term viability of planted street trees, create a safer pedestrian walking environment, and allow greater flexibility in subdivision design and lot

layout, the Residential Conservation Overlay Zone was created to promote development and redevelopment in Sandy City neighborhoods. The overlay zone is intended to create efficient use of land by controlling the intensity of land use, providing sufficient critical mass, and mass design features to create a walkable neighborhood.

(LDC 2008, § 15A-13-01; Ord. No. 15-35, 11-23-2015)

Sec. 21-13-2. Procedures.

(a) *Development Review.* All submissions shall be made well in advance of planned construction for proper coordination and feedback and shall be reviewed by the City Development Committee and/or respective architectural review body before submittal to the Planning Commission.

(b) *Subdivision Process.* Prior to the Planning Commission taking action, plans must be submitted in accordance with the subdivision procedure.

(LDC 2008, § 15A-13-02)

Sec. 21-13-3. Uses Allowed.

(a) *Permitted and Conditional.* The RCO Zone is an overlay district, and, as such, permitted and conditional uses are governed by the requirements and standards of the specific underlying residential zone. Except as otherwise stipulated in the RCO Zone, development proposals shall comply with the requirements of the underlying zone.

(b) *Ancillary.* All permitted and conditional land uses within the RCO Zone may conduct ancillary uses, as specifically defined within Chapter 21-37, provided such use is not regulated by other sections or is listed as a non-permitted use in the underlying zone district.

(LDC 2008, § 15A-13-03)

Sec. 21-13-4. Walkable Components.

A new development implementing the RCO may be located at infill locations where walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, or churches) are already present or planned. As a guiding principle, walkable components should be within a ten minute (or one-half mile) walking distance.

(LDC 2008, § 15A-13-04)

Sec. 21-13-5. Improvement and Lot Standards.

(a) *Road Improvements.* A ten-foot cross-section for parkstrips and sidewalks (five-foot parkstrip, five-foot sidewalk) is required when developing new subdivisions. Where possible, and depending on adjacent improvements, an eight-foot parkstrip may be required to provide an area for required street trees.

(b) *Lot Dimensions.* To encourage neighborhood reinvestment, the Planning Commission may allow adjustments in minimum lot size, frontage, and setbacks, irrespective of requirements in underlying zones, based upon the following:

Minimum Parcel Size and Setback Minimum Requirements

<i>Zone</i>	<i>Minimum Lot Size</i>	<i>Average Lot Size</i>	<i>Lot Frontage</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Rear Yard Setback</i>
R-1-40	36,000 s.f.	40,000 s.f.	110 ft.	30'	15'/30'	30'
R-1-30	28,000 s.f.	30,000 s.f.	100 ft.	30'	12'/27'	30'
R-1-20	18,000 s.f.	20,000 s.f.	90 ft.	30'	10'/24'	30'
R-1-15	13,000 s.f.	15,000 s.f.	85 ft.	30'	10'/22'	30'
R-1-12	10,000 s.f.	12,000 s.f.	80 ft.	30'	8'/20'	30'
R-1-10	8,000 s.f.	*9,000 s.f.	70 ft.	10' to porch 15' to living 20' to garage	**8'/16'	20'
R-1-9	7,000 s.f.	*8,000 s.f.	65 ft.	10' to porch 15' to living 20' to garage	*7'/14'	20'
R-1-8	6,500 s.f.	*7,500 s.f.	60 ft.	10' to porch 15' to living 20' to garage	**6'/12'	15'
R-1-6	4,500 s.f.	*5,500 s.f.	50 ft.	10' to porch 15' to living 20' to garage	**5'/10'	15'
R-2-10	5,000 s.f. sfd 8,000 s.f. mfd	*5,000 s.f. sfd *9,000 s.f. mfd	55 ft. sfd 60 ft. mfd	10' to porch 15' to living 20' to garage	**5'/10'	15'
R-2-8	4,000. s.f. sfd 6,500 s.f. mfd	*4,000 s.f. sfd *7,500 s.f. mfd	55 ft. sfd 60 ft. mfd	10' to porch 15' to living 20' to garage	**5'/10'	15'

sfd—single-family dwelling

mfd—multifamily dwelling (duplex and/or twin home)

*If the proposed development is within one-half-mile walking distance (as a pedestrian would walk) to at least five of the nine walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, or churches), then the average lot size shown in Table 15A-13-01(A) will apply. Otherwise, the average lot size would have to maintain the minimum square footage required for the underlying zone. For example, if the subject property is zoned R-1-10 and is within one-half-mile of five of the nine walkable components, then the average lot size could be 9,000 square feet. If the subject property is not within one-half-mile walking distance to at least five of the nine walkable components, then the average lot size would need to remain at 10,000 square feet.

**Side yard setback shall maintain the regular setback on the side that shares the side yard of existing adjacent home, outside of this overlay zone.

(LDC 2008, § 15A-13-05)

Sec. 21-13-6. Architectural Design and Materials.

(a) *Architectural Standards.* The treatment of buildings, materials, and exterior appurtenances shall create an aesthetically pleasing dwelling and site that is in character with the proportions of other surrounding structures, and yet provides diversity in design. An architectural balance of building materials, colors, design features, and textures which create random compatibility shall be sought. Requirements applicable to all dwellings and lots are as follows:

- (1) The Planning Commission shall review and approve building elevations and materials for all projects within a Residential Conservation Overlay Zone, particularly where exposed to pedestrian and/or vehicular traffic.
- (2) Basic building materials for all residential uses shall be predominantly one material of brick, stone, or masonry. Limited amounts of stucco and composite or wood siding may be considered if the quality of the design merits such consideration (no vinyl or aluminum siding allowed).
- (3) Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc.
- (4) Front porches shall be added to the living area of dwellings and shall have a minimum depth of five feet and shall comprise a minimum of 50 percent of the width of the building's primary front facade (not including an attached garage). In no case shall the front porch be less than 15 feet in width.
- (5) Attached garages must be clearly subservient to front porches, by at least five feet.
- (6) Sidewalk connections shall be made from front porches directly to street sidewalks.
- (7) Dwelling footprints shall not occupy more than 50 percent of the lot, unless there is a three-car garage, in which case the footprint shall not occupy more than 60 percent of the lot.

(b) *Building Orientation.* The entrance of all dwellings shall front onto public streets with entrance sidewalks directly accessing the street sidewalk. On a case-by-case basis, a limited number of dwelling units fronting onto a private street or driveway may be approved by the Planning Commission, depending on the size, scale, design, location, topography, or other natural features associated with the property.

(c) *Building Height.* Dwelling structures shall comply with the height requirements of underlying residential districts.

(LDC 2008, § 15A-13-06; Ord. No. 13-04, 1-30-2013; Ord. No. 13-18, 8-22-2013)

Sec. 21-13-7. Landscaping.

(a) *On-Site Trees and Shrubs.* All front yards shall be landscaped using trees, both evergreen (six feet minimum) and deciduous, shrubs/bushes, and flowers. This landscaping shall be bonded for at time of building permit.

(b) *Street Trees.* A minimum two-inch caliper street trees as measured six inches above grade shall be installed by the developer/builder located between the curb and sidewalk along all rights-of-way. In cases where there is not an eight-foot parkstrip, approved street trees shall be planted three feet behind the sidewalk.

(LDC 2008, § 15A-13-07)

Sec. 21-13-8. Outdoor Lighting.

The lighting of streets and pedestrian areas is required. Exterior wall-mounted floodlights must be directed downward to avoid light spill on adjacent property. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Street light design fixtures shall be installed as required by the street lighting policy.

(LDC 2008, § 15A-13-08)

Sec. 21-13-9. Streets and Pedestrian Ways.

All accesses within the RCO shall have connectivity with existing and future street patterns. A grid street pattern or modified grid patterns are preferred where practically possible.

(LDC 2008, § 15A-13-09)

Sec. 21-13-10. Residential Conservation Dwelling Design for Existing Dwellings.

(a) In an effort to encourage neighborhood stability, conserve land, encourage water conservation, and create residential development based upon CPTED principles, property owners of existing dwellings may reduce front setbacks as outlined in this section. More specifically, the intent of this section is to allow additional front setback flexibility for residential remodeling for the following reasons:

- (1) To encourage neighborhood reinvestment by giving property owners more options when building new dwellings or expanding existing dwellings to meet changing family needs;
- (2) To conserve land and to enhance usable yard area;
- (3) To encourage water conservation using drought-resistant plants and by eliminating the need for large expanses of landscape areas within front setback; and
- (4) To encourage greater public safety by requiring architecture to be such that the dwelling has a greater tie to the street through the implementation of CPTED principles.

(b) The Community Development Department staff, irrespective of requirements in the underlying zone, may allow the reduction of the front yard building setback (minimums of ten feet from sidewalk to porch, 15 feet from sidewalk to living space, and 20 feet from sidewalk to garage) for dwelling structures when all of the following standards are met:

- (1) Front porches shall be added to the living area of dwellings and shall have a minimum depth of five feet and shall comprise a minimum of 50 percent of the width of the building's primary front facade (not including an attached garage). In no case shall the front porch be less than 15 feet in width.

- (2) Front porches shall be designed for display, sitting, and conversation and shall not be used for storage.
- (3) Attached garages must be clearly subservient to front porches, sitting back further than the porch as indicated in the diagram below.
- (4) CPTED principles shall be used in the design to promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. Architectural design shall be such that dwellings are strongly oriented towards the street. Architectural structure, materials and treatments are encouraged which may include, but are not limited to, the liberal use of second-story levels, expansive windows with architectural treatments, balconies, stoops, insets, etc., to create additional interest and tie to the street, and other such architectural elements in accordance with natural surveillance.
- (5) When remodeling an existing home, the new portion of the home shall be architecturally compatible, using similar exterior materials and colors, including similar window and door design.
- (6) Symbolic barriers (e.g., low level fences or hedges in the front setback) may be used to discourage crime and promote safety. Fences, if determined to be necessary or desirable, must be reviewed for their effectiveness in enhancing private space while not creating isolated uses or dead space void of natural surveillance. Fencing, where deemed appropriate, shall use picket fence materials or other similar open construction fencing, with the intent of promoting an open feeling and natural surveillance. Approved fences shall be compatible in color, texture, and design in relationship to building materials.
- (7) It is encouraged that the front yard area be re-landscaped using more drought tolerant plants, which may include a combination of trees, shrubs, and ground covers, using landscaping guidelines as contained in Section 21-25-4.
- (8) Sidewalk connections shall be made from front porches directly to street sidewalks.
- (9) Other design features which promote public safety and pedestrian activity, as approved by staff.



(LDC 2008, § 15A-13-10; Ord. No. 13-04, 1-20-2013)

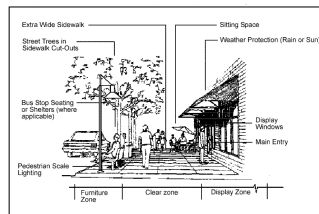
CHAPTER 21-14. STOREFRONT CONSERVATION OVERLAY ZONE

Sec. 21-14-1. Storefront Conservation Development.

In an effort to conserve land, encourage water conservation, and create development based upon CPTED principles, the Planning Commission may allow storefront-type development in mixed use and

commercial areas of the City. Irrespective of requirements in the underlying zone, the Planning Commission may reduce building setback requirements with the use of approved urban conservation and suburban conservation setbacks and sidewalk zones, based upon the following criteria:

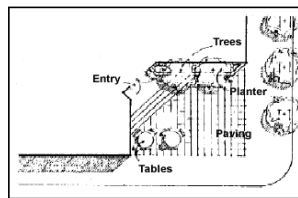
- (1) *Setback Areas.* Setback areas must comply with 12-foot, 16-foot, 20-foot, or 24-foot approved cross-sections as designed and updated by the City from time to time. The 12-foot cross-section may only be considered for development within Historic Sandy or a Transit Oriented Development (TOD). Setback areas are broken down into sidewalk zones specifically identified as the Display Zone, Clear Zone, and Furniture Zone. Approved sidewalk zones must consider the following standard design features as may be approved by the Planning Commission:
 - a. *Display Zone (Located Immediately Adjacent to the Building).*
 - 1. Display of goods, special sales, promotions, decorations for festivals, holidays, etc.
 - 2. Outdoor seating areas and outdoor eating areas, as appropriate.
 - 3. Approved newspaper racks, community bulletin boards, etc.
 - 4. Limited greenscape (e.g., potted plants, foundation plantings, water conservation plantings, etc.).
 - 5. Limited canopy overhangs for building entrances and eating areas.
 - 6. Proper access to store entrance from sidewalk grade.
 - b. *Clear Zone.*
 - 1. Walking zone for pedestrians.
 - 2. No obstacles.
 - c. *Furniture Zone (Adjacent to Curb Line).*
 - 1. Street trees with tree wells or ground covers.
 - 2. Small scale downlit street lights, with or without banners, or other approved attachments.
 - 3. Street furniture (e.g., benches, trash receptacles, water fountains, etc.).
 - 4. Additional outdoor seating/eating areas, as appropriate.
 - 5. Other limited greenscape (e.g., potted plants, water conservation plantings, etc.).
- (2) *Architectural Treatment of Building.* In addition to the above requirements, building and architectural design shall be street oriented (eyes on the street) and shall consider the following design elements as may be approved by the Planning Commission:



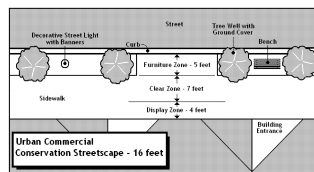
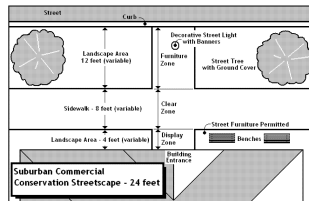
- a. Parking located to the rear of buildings; or to the side only when deemed appropriate.

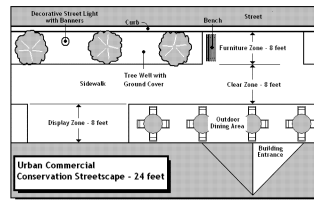
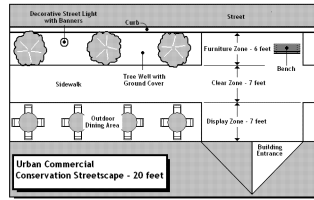
- b. Compliance with an overall area architectural theme with projecting wall signs, where appropriate.
- c. First level architectural articulation separate from above stories.
- d. Ample window placement (at least 50 percent of building elevation) to encourage eyes on the street.
- e. Building entrances directly onto the sidewalk.
- f. Liberal use of balconies, stoops, insets, etc., to create additional interest and tie to the street.

Example: Entry-Way Plaza



- g. Walkways (paseos), courtyards, and small plazas should be considered where appropriate.
- h. Other building design features which promote economic development and safe pedestrian activity, as approved by the Planning Commission.





(LDC 2008, § 15A-14-01)

CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE

Sec. 21-15-1. Purpose.

(a) This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds.

(b) The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:

- (1) The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
- (2) The minimization of the threat and consequential damages of fire by establishing fire protection measures.
- (3) The preservation of natural features, wildlife habitat, and open space.
- (4) The preservation of public access to mountain areas and natural drainage channels.
- (5) The retention of natural features such as drainage channels, streams, hillside areas, ridge lines, rock outcroppings, vistas, trees, and other natural plant formations.
- (6) The preservation and enhancement of visual and environmental quality by use of natural vegetation, and the minimization of grading in hillside areas.
- (7) The assurance of an adequate transportation system for the sensitive area, to include consideration of the City's approved Transportation Plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.

- (8) The establishment of on-site and off-site traffic facilities that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at any time.
- (9) The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.
- (10) The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
- (11) The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.
- (12) The encouragement of the use of creative design teams composed of professional landscape architects, engineers, and others.
- (13) The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.
(LDC 2008, § 15A-15-01)

Sec. 21-15-2. Scope and Application.

(a) *Application of the Sensitive Area Overlay Zone.* The Sensitive Area Overlay Zone includes areas of 30 percent or greater slope; floodplain, streams, lakes, ponds and wet land areas; and areas with a high potential of damage from natural hazards, such as surface rupture during an earthquake, rock fall or debris flow, and other similar environmental conditions. Such areas are designated on the map entitled the "Sandy City Sensitive Area Overlay Zone Map." A copy of the map, drawn to scale of one inch equals 1,000 feet, is available for review in the Community Development Department. Regulations of this chapter may apply to an area outside of the mapped Sensitive Area Overlay Zone if the Director determines that the environmental conditions of the subject area qualify it as a sensitive area, and the map shall thereafter be amended to include such area in the Sensitive Area Overlay Zone.

(b) *Effect of Provisions.* This chapter makes provisions in addition to those set forth elsewhere in this title. In the event of conflict between such other provisions and the provisions of this chapter, the more restrictive provisions shall apply.

(LDC 2008, § 15A-15-02)

Sec. 21-15-3. Review and Approval Procedure.

(a) *Development Review.* To help expedite review of a development proposal, prior to submitting an application for development in a sensitive area, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.

- (1) If requested by staff, they shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.

- (2) At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, International Fire Code and any other applicable ordinances or codes of Sandy City, and provide information concerning the City's review requirements and procedures.

(b) *Application.* Prior to any development activity taking place within a sensitive area, an application for development must be submitted to the Community Development Department and must contain the information and be in the format required by the applicable chapters of this title (subdivision, site plan review, planned unit development, etc.). All reports shall be prepared by a qualified person licensed in the State of Utah to practice their specialty. If a license is not required, the person shall have demonstrated expertise in the field of practice. In addition to the application requirements set forth in other chapters of this title, applications for development in sensitive areas shall include certain of the following as determined by the City Engineer:

- (1) General Development Application Form.
- (2) A topographic contour map, tied to a land-based survey, with coloration, shading or hatching indicating areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 20 and 30 percent, and areas of 30 percent or greater, with contour lines spaced no less than two feet apart vertically.
- (3) Location of the proposed project in relation to abutting public streets.
- (4) The total acreage, number of lots, and proposed density for proposed residential developments.
- (5) The total acreage, number of lots, and proposed density for proposed commercial developments.
- (6) The location and approximate size, in square feet, of the proposed lots, including sensitive areas of 30 percent or greater slope, and the usable land for each lot.
- (7) Location of known hazards (e.g., faults, natural drainage channels, rockfall, debris flow, etc.) and the boundaries of the 100-year floodplain, as applicable.
- (8) Location of other environmentally sensitive areas, including wildlife corridors.
- (9) Proposed location of structures in relationship to all environmentally sensitive areas.
- (10) A General Geotechnical/Geological Report, which shall include the following components, unless the City Engineer determines a specific component is not applicable to the proposal:
 - a. Soil Characteristics Component, which shall include data regarding the nature, distribution, and strength of soils within the project area as well as:
 1. Unified classification of all soils with liquid limit, shrink-swell potential, and general suitability for development.
 2. Estimate of the normal highest elevation of the water table.
 3. Flood history and potential, proximity to known floodplain area and drainage channels, springs, and other hydrological features.

4. Liquefaction analysis.
- b. Vegetation Component, which shall include a slope stabilization and a revegetation report which shall comply with Section 21-25-4 and include:
 1. Location and identification of existing vegetation.
 2. The vegetation to be removed and the method of disposal.
 3. The vegetation to be planted.
 4. Slope stabilization measures to be installed.
 5. Analysis of the environmental effect of development, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
 6. Topsoil stockpile areas.
 - c. Geologic Conditions Component, which shall be site-specific and shall identify all known, suspected, and potential faults and other geologic hazards. Hazards may originate on- or off-site. They may have been previously mapped or unmapped. This component shall include, but is not limited to, the following:
 1. Location of active and historical faults and a recommendation for a setback of proposed structures from the faults.
 2. Characteristics of the geological material and identification of anomalies of the terrain.
 3. Depth and geological evaluation of bedrock.
 4. Map of hazards or any features of interest.
 5. Boring and test pit logs and trench reports.
 6. Slope stability analysis, including the angle of repose.
 - d. Debris Flow Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by the flow of rock, soil, organic material, and water in any combination of the above. The report will include, but is not limited to, the following:
 1. Boring, test pit and trench logs.
 2. Estimates of the number and frequency of past events and their thickness and volume.
 3. Estimates of the recurrence, depth, and impact forces of future events.
 - e. Rock Fall Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by a rock or rocks falling, rolling, sliding, or taking the form of an avalanche. The report shall include, but is not limited to, the following:
 1. Estimates of the number and frequency of past events.
 2. Estimates of the recurrence and impact forces of future events.
 3. Modeling results.

- f. **Grading and Drainage Plans.** The plans shall include a Stormwater Management and Erosion Grading Plan on the methods by which surface water, natural drainages, flooding, erosion, and sedimentation loss will be accommodated during and after construction. The plan shall include the following information:
1. *Grading Plan.* The Grading Plan shall show existing and proposed elevation contours, tied to a land-based survey, and shall include elevations, lines, and grades, including the location and depth of all proposed cuts and fills of the finished earth surfaces using a contour interval of two feet or less. Access or haul road location, treatment, maintenance requirements and limits of disturbance shall be included.
 2. *Cleared Area.* The proposed area to be graded shall be clearly delineated on the plan, and the area amount stated in square feet.
 3. *Drainage Calculations and Details.*
 - (i) All calculations and any required details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures shall be shown.
 - (ii) Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Equations should include factors of:
 - A. Rainfall intensity and energy.
 - B. Soil erodibility.
 - C. Land slope and length of slope or topography.
 - D. Condition of the soil surface and land management practices in use.
 - E. Surface cover (e.g., grass, woodland, crop, pavement, etc.).
- (11) The City Engineer may require trenching, boring, and test pits along with additional information for developments in the Sensitive Area Overlay Zone.
- (12) All reports shall identify any potential impacts or hazards resulting from construction or disturbance by the development and include written recommendations for construction of proposed improvements and other measures to mitigate potential impacts and hazards.
- (13) The City may require proposed lots, streets and structures to be staked for field inspection.
- (14) All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Sandy City shall be made available to the City Engineer, as a part of the review and approval process, so that the City Engineer can better advise the Planning Commission.
- (c) *Preliminary Review.*
- (1) Upon submittal of an application and all supporting information and attendance at a Development Review Meeting, if necessary, the application for the development proposal shall be forwarded to the reviewing departments and agencies. They will review it preliminarily to determine if the application and plan, together with all supporting information, is complete and complies with all the requirements of this title, including the sensitive area development standards as set forth hereafter, and other applicable City and agencies' standards.

- (2) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted, or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant will be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised application, plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - (3) Upon resubmittal, the development proposal will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the application for the development proposal and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this Code and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the application is incomplete and the review cannot proceed further until all required, necessary, and requested information is submitted.
 - (4) When the application is determined to be complete, all development proposals in sensitive areas will be submitted to the Planning Commission for Preliminary Review. The Planning Commission will review the development proposal, including staff analysis, of all supporting information and all requested supplemental information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
 - (5) After all requested information has been received and reviewed by the Planning Commission, the Planning Commission will determine if preliminary review is complete and impose development requirements.
- (d) *Final Approval.*
- (1) After the Planning Commission determines that preliminary review is complete and imposes development requirements, the applicant shall submit to the Department a final development plan, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission.
 - (2) The Department, together with the other reviewing departments and agencies, shall review the final development plan to determine compliance with all requirements, corrections, additions, etc. When the final development plan has been determined to be complete and in compliance with all requirements, all fees paid and guarantees posted, the plan shall be approved and signed by the appropriate City departments and officials.
- (e) *Appealing a Land Use Authority's Decision.* The applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision or determination made by the Land Use Authority in the administration or interpretation of this title.

(f) *Panel of Experts for Appeals of Geologic Hazard or Sensitive Areas.* An applicant who has appealed a decision of the land use authority administering or interpreting the Sensitive Area Overlay Zone may request the City to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. If the applicant makes a request for a panel of qualified experts, the City shall assemble the panel, which shall consist of, unless otherwise agreed by the applicant and the City:

- (1) One expert designated by the City;
- (2) One expert designated by the applicant; and
- (3) One expert chosen jointly by the City designated expert and the applicant's designated expert.

A member of this expert panel assembled by the City may not be associated with the application that is the subject of appeal. The applicant shall pay one-half of the cost of the panel as well as the City's appeal fee that is established by the City Council.

(LDC 2008, § 15A-15-03)

Sec. 21-15-4. Development Standards for Sensitive Areas.

(a) *Standards for Sensitive Areas Containing 30 percent or Greater Slopes.*

(1) *Usable Land.*

- a. Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size and have a minimum dimension, both length and width, of 50 feet.
- b. All other structures, including clustered single-family, multifamily, commercial, industrial, institutional, and accessory structures, shall be located upon usable land as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.

(2) *Setback requirements.*

- a. No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.
- b. All other structures which require a building permit, including commercial, industrial, institutional, and structures accessory thereto, shall be set back as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
- c. Structures requiring a building permit shall be set back no further than 150 feet from a public or private street unless otherwise approved by the Fire Marshal.

- (3) *Trails.* A trail may be constructed to access upper/lower portions of residential/commercial property subject to the following conditions:
- a. No cut or fill of the hillside may be in excess of two feet. All cuts or fills shall be properly retained.
 - b. The trail should follow a meandering course and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.
 - c. The trail shall be screened with native landscape materials.
 - d. The Trail Plan shall be submitted to the Director and City Engineer for review and must be approved prior to any construction and/or hillside cuts.
- (4) *Fencing.* All fences located on slopes of 30 percent or greater shall be dark brown, dark green or black vinyl coated chainlink to blend in with the native landscaping. In no case shall the following types of fences be allowed: uncoated chainlink, masonry, block, wood, or other sight obscuring material. Fence construction shall comply with the Environmental Hazards Element as contained in the General Plan.
- (b) *Development Standards for All Sensitive Areas.*
- (1) *Maximum Impervious Material Coverage.* The maximum impervious material coverage that shall be allowed upon lots:
- a. Upon which structures are located, shall be 50 percent for those in residential zoning districts of R-1-15 or below and 40 percent for those in zoning districts of R-1-20 or above of the total lot area (excluding pad lots and clustered subdivisions), including dwelling units, accessory buildings, patios, decks, driveways, etc.; provided, however, that the maximum impervious material coverage may exceed the allowable percentage upon review and approval of a special exception by the Planning Commission. The Planning Commission shall use the following criteria when making a decision to increase lot coverage:
 1. The home is of comparable size to other homes in the general vicinity;
 2. The increase is needed to create a safe drive access for the home; and
 3. The increase is the minimum required to meet Subsections (b)(1)a.1 and 2 of this section.
 - b. Upon which multifamily dwellings, commercial, industrial, institutional, pad lots, clustered subdivisions and accessory structures are proposed, shall be determined during site plan review and approved by the Planning Commission. The Planning Commission will base their decision on information received from the developer in relation to mitigation measures which can be imposed to handle excess runoff.
- (2) *Drainage and Erosion.*
- a. Lots shall be arranged so as to ensure adequate setbacks from drainage channels as determined by the City Engineer after review of the submitted reports. No structures shall be allowed in the 100-year floodplain.

- b. Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:
 - 1. Such facilities shall be the first improvement or facilities constructed on the development site, with the exception of sewer and water lines.
 - 2. Such facilities shall be designed to detain safely and adequately the maximum expected stormwater runoff for a 25-year storm (together with the stormwater discharge from the site not to exceed 0.2 cubic feet per second per acre or at a rate not higher than the flow rate before development of the site, whichever is less) on the development site for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods.
 - 3. Such facilities shall be designed to divert surface water away from cut or fill surfaces.
 - 4. As much as possible, the existing natural drainage system shall be utilized in its unimproved state.
 - 5. Where drainage channels are required, wide shallow swales, lined with appropriate vegetation, shall be used instead of cutting narrow, deep drainage ditches.
 - 6. Flow retarding devices, such as detention/retention ponds and recharge berms, shall be used, where practical, to minimize increases in runoff volume and peak flow discharge rate due to development. Areas which have shallow or perched groundwater or areas that are unstable shall be given additional consideration, and additional requirements may be imposed.
- c. Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between December 1 and April 15 of the following year.
- d. Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plans described in this chapter. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC00000) for projects that warrant compliance with the Utah General Construction Permit regulation.
- e. The area of the watershed shall be used to determine the amount of stormwater runoff generated before and after construction as follows:

The Rational Method or other method as approved by the City Engineer shall be used in computing runoff. The basic formula for the rational method is:

Q = CIA in which:
Q = Runoff in cubic feet per second (cfs)
C = Coefficient of runoff
I = Average rainfall intensity during time of concentration for 25-year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration to the point of collection or discharge.
A = Drainage area in acres.

The following ranges for C value are typical examples. The actual C value used shall be approved by the City Engineer.

Table of Runoff Coefficients

<i>Type of Development</i>	<i>Runoff Coefficient</i>
Industrial and Commercial	0.80—0.90
Residential	0.30—0.40
Parks	0.15—0.24
Agricultural	0.10—0.20

- f. For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.
- g. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:
 - 1. Land disturbing activity that generally disturbs one or more acres of land;
 - 2. Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
 - 3. Land disturbing of less than one acre of land, and, if in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
 - 4. The creation and use of borrow pits;
 - 5. Development of a single-family home;
 - 6. Processing of earthen materials such as top soil and gravel screening;
 - 7. Construction of parking lots;
 - 8. Demolitions.
- h. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:
 - 1. Grading permit.
 - 2. Subdivision Plan approval (residential).
 - 3. Site plan approval (commercial).
 - 4. Building permit.
 - 5. Road cut permit.
- i. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.

- j. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.
 - 1. The online SWPPP management system shall meet audit requirements of the State of Utah.
 - 2. The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in the section above.
 - 3. Reports and data shall be made available upon request.
 - 4. City Staff shall have viewing access rights.
 - k. As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.
 - 1. All development that warrants compliance with the UGCP must include an LID analysis per the Sandy City Development Standards and Requirements for Stormwater.
- (3) *Vegetation and Revegetation.*
- a. Vegetation shall be removed only when absolutely necessary for the construction of buildings, roads, and filled areas.
 - b. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which has good erosion control characteristics.
 - c. New plantings shall be protected with a mulch material and fertilized in conjunction with the planting and watering schedule described in Subsection (b)(3)e of this section.
 - d. The use of persons or firms having expertise in the practice of revegetation (e.g., licensed landscape architects or certified nurserymen) shall supervise the planting and installation of revegetation cover.
 - e. After the completion of off-site improvements, vegetation should be planted in all disturbed areas during the following time periods only:
 - 1. March 15 through May 15 and September 15 through October 31.
 - 2. If irrigated, planting may be done during summer months.
 - f. Generally, no vegetation shall be removed on a continuous hillside, crest (upslope or downslope), with a slope 30 percent or greater. However, for uses such as trails and open space improvements, the City Engineer may approve designated areas of vegetation that can be removed or disturbed in conjunction with a Revegetation or Slope Stabilization Plan.
 - g. Topsoil removed during site construction shall be reserved for later use on areas requiring vegetation or landscaping such as cut and fill slopes.

- h. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., roads, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
 - i. The property owner and/or developer shall be fully responsible for any destruction or damage of native or applied vegetation identified as necessary for soil retention and shall be responsible to replace such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the Director.
- (4) *Geology.*
- a. Dwellings and commercial buildings shall be set back from any active faults as required by the City Engineer.
 - b. No dwellings, commercial buildings or off-site improvements shall be allowed on any area considered to be susceptible to landslide, rockfall or debris flow or problems associated with perched or shallow groundwater, except as approved by the City Engineer. Special requirements to mitigate the potential effects of such hazards may be imposed by the City Engineer prior to approval of the project or issuance of building permits.
- (5) *Fire Protection.*
- a. Areas without a recognized water supply shall meet special requirements as established by the Planning Commission, upon recommendation of the City Fire Marshal.
 - b. Each development site and building permit for lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the City Fire Department to see that it complies with the International Fire Code regarding access roadways for fire apparatus.
 - c. Spark arresters shall be installed in every fireplace constructed for indoor or outdoor use as regulated by the most current version of the International Fire Code.
 - d. Development adjacent to public lands shall provide access to these lands for fire protection vehicles and equipment.
 - e. Buildings and structures constructed in areas designated by Sandy City as Wildland—Urban Interface Areas shall be constructed using ignition-resistant construction as determined by the Fire Marshal. Section 502 of the 2015 International Wildland—Urban Interface Code (IWUIC), as it may be amended from time to time, as promulgated by the International Code Council, shall be used to determine fire hazard severity. A copy of the map designating the Wildland—Urban Interface Area is located in the office of the Sandy City Fire Marshal.
- (6) *Grading, Cuts and Fill.*
- a. Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal.

- b. All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.
 - c. The top and bottom edges of slopes caused by an excavation or fill up to ten vertical feet shall be at a minimum of three horizontal feet from the property line or public right-of-way lines.
 - d. The maximum vertical height of all cuts or fills shall be ten feet. Under exceptional circumstances, the Planning Commission may approve cuts or fills in excess of ten feet with a recommendation from the City Engineer. Cuts or fills shall be measured from natural grade to finished grade. The burden of demonstrating exceptional circumstances shall be on the developer of the property, but may include:
 - 1. Cutting or filling of areas designated as anomalies.
 - 2. Cutting to allow for required sight triangles.
 - 3. Areas previously modified, altered or disturbed.
 - 4. Cuts or fills as required by the City Engineer to mitigate any unsafe condition, such as slopes exceeding 50 percent.
 - 5. Unusual topographic features, such as bowls or rises that don't exceed slope limitations but may inhibit sound construction.
 - 6. Other conditions as approved by the Planning Commission.
 - e. All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.
 - f. No grading, cuts, fills, or terracing will be allowed on a continuous hillside of 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the Planning Commission upon recommendation of the Director and City Engineer.
- (7) *Streets and Ways.* Streets, roadways, and private streets, lanes and driveways shall follow as nearly as possible the natural terrain minimizing cuts and fills. In addition to the standards identified in Chapter 21-21, the following additional standards shall apply:
- a. Access easements shall be provided to all adjoining developed and non-developed areas for emergency and firefighting equipment when determined necessary by the Fire Marshal. Driveways located upon each lot extending from a public or private street shall have sufficient width and design to admit and accommodate firefighting equipment in compliance with all City engineering standards and the International Fire Code.
 - b. A cul-de-sac may not exceed 600 feet in length. However, the Planning Commission may grant a special exception to extend the length of the cul-de-sac after considering a recommendation from the City Engineer and Fire Marshal based upon geographical constraints or if public safety will be improved above existing conditions.
 - c. Variations of the street design standards developed to solve special visual aesthetics and functional problems may be presented to the Planning Commission upon recommenda-

tion from the City Engineer for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

- d. Development sites which are located near canyon trails shall provide access to those trails. Parking areas at trailheads may be required by the Planning Commission.
- e. The maximum amount of impervious surface for streets and roadways shall not exceed 20 percent of the entire development site.
- f. The maximum grade of all streets or rights-of-way for vehicle traffic shall be 12 percent.

(8) *Architectural Design.*

- a. Buildings proposed for construction in hillside or canyon areas shall be designed to be visually compatible with the natural setting of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as wood or composite materials such as hardi-plank, brick (earth colors) and stone, with architectural-grade asphalt shingle or tile, are considered to be most appropriate.
- b. The Planning Commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. The design and materials shall comply with the City Architectural Design Standards. Building permits for such structures shall not be granted until building materials and colors have been approved by the Planning Commission.
- c. Innovative designs for single-family dwelling units (e.g., earth-sheltered dwellings with grass roofs, etc.), may be allowed after approval by the Planning Commission and Building and Safety Division.

(9) *Developer/Property Owner Responsibility.* The developer/property owner shall be jointly and severally responsible for making all improvements in accordance with the development site approval.

(10) *Guarantee for Improvements.* In addition to the provisions requiring the posting of a guarantee as set forth elsewhere in the ordinances of Sandy City, the property owner may be required by the Director and City Engineer to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fill and construction of stormwater runoff facilities.

(c) *Jordan River Regulations.* In addition to those requirements specifically outlined in Chapter 17.10 of the Salt Lake County Code, the following requirements shall be completed prior to development:

- (1) The Jordan River Basin has been identified and mapped by Salt Lake County as having a "High Liquefaction Potential." Because of this special characteristic of this area, a site-specific natural hazards study for residential subdivisions, single-family structures, multifamily residential structures, industrial, and commercial buildings must be completed and accepted by the Sandy City Engineer before approval for required permits, licenses, and other approvals are issued. The study shall address the soil conditions of the property to be developed, the natural hazards that

exist, and proposed mitigation measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the Sandy City Engineer.

- (2) All developments shall comply with the recommendations as made by the Jordan River District and Parkway Development Study completed by Bingham Engineering and accepted by Sandy City in February 1995. Copies of that study are on file with the City for information and inspection by the public.

(LDC 2008, § 15A-15-04; Ord. No. 14-29, 9-28-2014; Ord. No. 15-22, 7-15-2015)

Sec. 21-15-5. Special Exceptions.

(a) *Previously Platted Lots.* If a lot which contains or is adjacent to 30 percent or greater slopes was platted, approved and recorded prior to the adoption of sensitive area (or similar) regulations either in Salt Lake County or Sandy and such lot does not comply with Sandy City's current Sensitive Area Overlay Zone, a property owner may request a special exception from the Director to allow construction on the property at reduced or no setback from the 30 percent or greater slope. If it is determined that this exception applies, the lot will not be required to proceed through Sensitive Area Overlay Zone review though special requirements to protect the health, safety and welfare of the lot owner and residents of the City will be imposed before the issuance of a building permit. A property owner may request this exception only if the lot complies with the following:

- (1) *Qualifications.* Property which qualifies for the exception is limited to the following:
 - a. Subdivision lots approved and recorded prior to the enactment of sensitive overlay (or similar) regulations which were applicable to the property, or subdivision lots approved and recorded under different regulations than currently apply to the property;
 - b. The lot contains or is adjacent to 30 percent or greater slope and cannot be built upon in compliance with the setbacks required by the Sensitive Area Overlay Zone in effect at the time the request is made;
 - c. The lot does not have the amount of usable land area required by the Sensitive Area Overlay Zone in effect at the time the request is made;
 - d. The slope is stable and suitable for construction as determined by the City Engineer;
 - e. Measures can be imposed which mitigate or eliminate hazards created by construction near the slope; and
 - f. The development shall comply with all other requirements of this title, including driveway slopes and cuts and fills, unless the Board of Adjustment approves a variance.
- (2) *Information to be Submitted.* The following information shall be submitted for review and recommendation of the Director and City Engineer prior to approval of a building permit:
 - a. Evidence that the lot was platted prior to the imposition of sensitive area overlay (or similar) regulations or in compliance with previous regulations.
 1. Evidence shall include copies of the subdivision plat approval and recordation and copies of the regulations which governed the subdivision at the time it was approved and recorded.

2. If it is claimed that no regulations were in effect at the time the subdivision plat was approved and recorded, a statement from the appropriate governmental entity that a search of their records was conducted and that no regulations were in effect.
- b. A geotechnical report from a licensed civil engineer that identifies the following:
 1. The depth of undisturbed soil below grade.
 2. Soil compaction and stability.
 3. Rock fall and debris flow potential.
 4. Angle of repose.
 5. Conditions on or near the property which if disturbed by construction may create hazards to the property or adjacent property.
 6. Recommendations for construction and siting to assure safety of the development and adjoining properties from these hazards.
 - c. Before the construction of a structure (e.g., single-family dwelling, multifamily dwelling, commercial building, accessory structure, pool, etc.) shall be allowed, an engineered plot plan stamped and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted and include the following information:
 1. Location of all existing and proposed structures.
 2. Existing and proposed contour lines at two-foot intervals.
 3. Retaining walls or other measures to address the safety of the subject and adjoining properties if determined necessary by the City Engineer.
 4. Existing and proposed vegetation types and locations.
- (3) *Imposition of Additional Requirements.* The City Engineer and Director may impose requirements on the building permit as follows:
- a. To mitigate or eliminate anticipated impacts from development.
 - b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and the City Engineer to assure that the mitigation measures are effective and remain in place and functional.
 - c. That a notice be recorded on the property with the County Recorder that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.
- (4) *Application for Variance.* If a property owner is requesting to build on the 30 percent or greater slope, an application for a variance from the Board of Adjustment shall be submitted.

(b) *Previously Disturbed or Developed Slopes.* A property owner whose property contains or is adjacent to 30 percent or greater slopes may request a special exception to allow construction at reduced setbacks or no setback from the slope or on the slope. A property owner may request the exception during the preliminary review or, upon individual lots, after final development approval.

- (1) *Qualifications.* Property which qualifies for the exception is limited to the following:
 - a. The property contains or is adjacent to areas of 30 percent or greater slope;
 - b. The slope was previously disturbed or altered;
 - c. The disturbance or alteration was conducted legally either prior to the imposition of any sensitive area regulations on the property or was consistent with the sensitive area regulations in effect at the time the disturbance or alteration was conducted;
 - d. The slope is stable and suitable for construction as determined by the City Engineer;
 - e. Measures can be imposed which mitigate or eliminate hazards created by construction near to or additional disturbance or alteration of the slope;
 - f. All development on the property complies with all other requirements of this title, such as driveway slopes and cuts and fills, maximum impervious coverage, etc.; and
 - g. No other exceptions or any variances are requested or necessary.
- (2) *Information to be Submitted.* The property owner shall submit the following for review and recommendation of the Director and City Engineer to the Planning Commission:
 - a. All submittals required for preliminary and final review of property within a Sensitive Area Overlay Zone.
 - b. Evidence that the disturbance or alteration occurred legally prior to the imposition of sensitive area overlay (or similar) regulations or consistent with sensitive area overlay (or similar) regulations in effect at the time the disturbance or alteration occurred.
 1. Evidence shall include copies of permits from the governmental entity that had authority to issue such permits at the time the alteration/disturbance took place accompanied by copies of any sensitive area (or similar) regulations in effect at the time of the disturbance or alteration.
 2. If copies of permits are not available, the following may be acceptable: credible evidence in the form of documents (including photographs) or sworn affidavits from an individuals with first-hand knowledge documenting when the work was done, by whom and whether it was legal or not, together with written statements from the appropriate governmental entity that a search of their records was conducted and that either no permit was found, no permit was required, and/or no regulations were in effect and that the work was consistent with all regulations in effect at the time it was performed.
 - c. A study and report from a licensed civil engineer which specifically addresses the slopes upon which the applicant is requesting reduced setbacks, including geologic conditions,

soils, and vegetation, impacts of development (including aesthetics) and recommended mitigation measures for those impacts. (This information may be contained in the Geologic Report submitted with the application).

- (3) *Granting of Special Exemption.* The Planning Commission may grant the special exception and establish a reduced setback from the 30 percent or greater slope, determine that no setback from the slope is required or allow building on the slope if it finds that the property complies with all the qualifications for the exception listed above.
- (4) *Imposition of Additional Requirements.* The Planning Commission shall impose requirements:
 - a. To mitigate or eliminate anticipated impacts from development.
 - b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and City Engineer to assure that the mitigation measures are effective and remain in place and functional.
 - c. That a notice be recorded on the property that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.

(c) *Determination of Anomalies for 30 Percent or Greater Slopes.* The City Engineer shall review all requests for development on 30 percent or greater slopes to determine if anomalies exist. If an anomaly is determined to exist, the City Engineer shall forward to the Planning Commission a recommendation regarding development of the area affected by the anomaly. This recommendation will be made as part of the preliminary review of the project. The City Engineer shall consider the following criteria in making a recommendation:

- (1) An anomaly in the terrain is an isolated odd, peculiar or irregular terrain feature not consistent with the surrounding terrain. It is typically naturally occurring.
- (2) For engineering purposes there are two types of anomalies recognized:
 - a. *Bump/bulge/dish.* A bump, bulge or dish can be found on a hillside where the hill in general does not exceed the 30 percent slope limit but the bump, bulge or dish does. This type of anomaly should stand alone and be relatively small in area (less than the buildable area of a residential lot). It should not be part of a series of bumps, bulges or dishes that could be considered a single larger protected feature, thus no longer an anomaly. For example, in the course of excavating for a foundation, the anomaly is actually removed or filled. If the bump/bulge type terrain feature is determined to be an anomaly, setbacks standards (ten-foot minimum with 20-foot average) would apply only to the remaining areas designated as over 30 percent.
 - b. *Ribbon.* The ribbon represents a long narrow and abrupt ridge line. The terrain both above and below the ridge has a slope less than 30 percent, but the narrow ridge line, or ribbon, exceeds 30 percent over a small distance. The impact of a cut through the ribbon on drainage and erosion should also be considered. All standard specifications regarding construction or roads and driveways remain in place.

- (3) The following questions should be considered as a minimum when requesting a recommendation to declare a terrain feature an anomaly:
- a. Is it truly an isolated feature not in proximity to other areas of 30 percent or greater slope?
 - b. What is the relationship (i.e., orientation, distance) of this feature to other areas that exceed 30 percent or greater slope area (if they exist)?
 - c. What cuts/fills are planned (i.e., will the feature disappear in the course of construction)?
 - d. Can you maintain a slope of less than 30 percent after the cut/fill, or does the surrounding area have too much slope to accomplish that?
 - e. Is the feature manmade?
 - f. Does it reasonably conform to the intent of the definition?

(LDC 2008, § 15A-15-05; Ord. No. 15-04, 3-23-2015)

Sec. 21-15-6. Construction, Grading and Contour Map and Issuance of Building Permits.

(a) There shall be no construction, development, or grading upon the development site until final approval has been granted.

(b) Before the construction of a structure upon lots shall be allowed, an engineered plot plan stamped, dated and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted. The plot plan shall be drawn to a standard scale (at least one inch equals ten feet or other scale approved by the City Engineer) and shall be submitted to the Director or designated staff representative. The plot plan shall show lot lines, existing and proposed contours at two-foot intervals, location of proposed structures, walks, decks driveways, patio areas, etc. The plot plan shall also include vegetation, drainage, erosion controls, and location of limits of disturbance fencing (required) and be attached to the building permit.

(LDC 2008, § 15A-15-06)

CHAPTER 21-16. FLOOD PLAIN OVERLAY ZONE

Sec. 21-16-1. Findings.

(a) Flood hazard areas of Sandy City are subject to periodic inundation which may result in loss of life and property, health hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when structures are inadequately anchored, they may damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(LDC 2008, § 15A-16-01)

Sec. 21-16-2. Purpose of the Flood Plain Overlay Zone.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private loss due to flood conditions to specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets, and bridges located in areas of special flood hazard.
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (8) Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

(LDC 2008, § 15A-16-02)

Sec. 21-16-3. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases of erosion, flood heights, or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

(LDC 2008, § 15A-16-03)

Sec. 21-16-4. Lands to Which this Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Sandy City.

(LDC 2008, § 15A-16-04)

Sec. 21-16-5. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard are those identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," the most current and recent updates, with accompanying Flood Insurance Rate Maps (FIRM), Flood Boundary-Floodway Maps, and any revision thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Sandy City Hall, 10000 Centennial Parkway, Sandy City, Utah, 84070. When base flood elevation data has not been provided, the Public Utilities Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source in order to administer this chapter. (LDC 2008, § 15A-16-05)

Sec. 21-16-6. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. (LDC 2008, § 15A-16-06)

Sec. 21-16-7. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (LDC 2008, § 15A-16-07)

Sec. 21-16-8. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body in its protection of the safety of life and property.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(LDC 2008, § 15A-16-08)

Sec. 21-16-9. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Sandy City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA) for any flood damages that result from the reliance on this chapter or any administrative decision lawfully made hereunder.

(LDC 2008, § 15A-16-09)

Sec. 21-16-10. Relationship of Flood Plain Regulations to Zones.

The regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located. Property located within said areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and these Flood Plain Overlay Zone regulations, the most restrictive provisions shall govern. Permitted and conditional uses allowed in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development as defined herein shall further meet the supplemental conditions and standards set forth in this chapter.

(LDC 2008, § 15A-16-10)

Sec. 21-16-11. Special Flood Hazard Area Approval.

(a) A conditional use permit shall be obtained before construction or development begins within an area of special flood hazard. Prior to issuance of a conditional use permit, the Planning Commission shall ensure that requirements of this chapter are met.

(b) Application for such approval shall be made on forms furnished by the Community Development Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed.
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria in this section.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(LDC 2008, § 15A-16-11)

Sec. 21-16-12. Responsibility of the Public Utilities Director.

The Sandy City Public Utilities Director shall be responsible to:

- (1) *Review Applications.*
 - a. Review all applications to determine if the proposed development is located in the floodway or floodplain. If located in the floodway or floodplain, ensure that the encroachment provisions of this section are met.
 - b. Review all applications to determine that the requirements of this chapter have been satisfied.
 - c. Review all applications to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.

(2) *Maintain Information File.*

- a. Obtain and record the actual elevation provided by a registered licensed engineer/surveyor (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures:
 - 1. Verify and record the actual elevation provided by a registered licensed engineer/surveyor (in relation to mean sea level) to which the structure has been floodproofed.
 - 2. Maintain the floodproofing certifications required in this chapter.
- c. Maintain for public inspection all records pertaining to the provisions of this chapter.

(3) *Verify Alteration of Watercourses.* Verify that:

- a. A permit has been obtained from the Salt Lake County Division of Flood Control and Water Quality for any alteration of a watercourse identified as a flood control facility in the ordinances of Salt Lake County or succeeding provision.
- b. A permit has been obtained from the State Engineer for alteration of a natural stream channel.
- c. Maintenance is provided for within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished. Countywide facilities are maintained by Salt Lake County Flood Control Services, and City facilities are maintained by Sandy City.
- d. Notification has been made to cities adjacent to the watercourse and to the State of Utah, Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse and evidence of such notification has been submitted to the Federal Emergency Management Agency.

(LDC 2008, § 15A-16-12)

Sec. 21-16-13. Interpretation of Flood Insurance Rate Maps (FIRM) Boundaries.

The Public Utilities Director shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard. Any person contesting the location of a boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 21-16-14.

(LDC 2008, § 15A-16-13)

Sec. 21-16-14. Appeals.

(a) The Board of Adjustment, as established by this title, shall hear and decide all appeals and requests for special exceptions from the requirements of this chapter as provided in this title. The following conditions shall be considered in addition to those provisions:

- (1) The danger that materials may be swept into other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.

- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity of the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (7) The compatibility of the proposed use with the existing and anticipated development.
- (8) The relationship of the proposed use to the General Plan and floodplain issues for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

(b) Sandy City shall maintain the records of all appeal actions by the Board of Adjustment and report any special exceptions to the Federal Emergency Management Agency (FEMA) upon request. (LDC 2008, § 15A-16-14)

Sec. 21-16-15. Special Exceptions.

(a) The Board of Adjustment shall decide all request for special exceptions that meet the following criteria:

- (1) Generally, special exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Section 21-16-14(a)(1) through (11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
- (2) Special exceptions may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Special exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Special exceptions shall only be issued upon a determination that the special exception is the minimum necessary considering the flood hazard to afford relief.
- (5) Special exceptions shall only be issued upon:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the special exception would result in exceptional and undue hardship to the applicant.

- c. A determination that the granting of a special exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in this section, or conflict with existing local laws or ordinances.

(b) Any applicant to whom a special exception is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(LDC 2008, § 15A-16-15)

Sec. 21-16-16. Floodways.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited unless certification by a registered professional engineer or registered professional land surveyor is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(LDC 2008, § 15A-16-16)

Sec. 21-16-17. Development Standards Within the Flood Plain Overlay Zone.

In addition to the general development standards found elsewhere in this title and all areas of special flood hazards, the following standards shall be required:

- (1) *Anchoring.*
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.
 - b. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and be capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may include:
 1. Over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations. Manufactured homes less than 50 feet long may require one additional tie per side.
 2. Frame ties provided at each corner of the home with five additional ties per side at intermediate points. Manufactured homes less than 50 feet long may require four additional ties per side.

3. That all components of the anchoring system be capable of carrying a force of 4,800 pounds.
 4. That any additions to the manufactured home be similarly anchored.
- (2) *Construction Materials and Methods.*
- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) *Utilities.*
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) *Development Proposals.*
- a. All development proposals shall be consistent with the need to minimize flood damage.
 - b. All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - c. All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. FEMA approved base flood elevation data shall be provided for development proposals.
- (5) *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- (6) *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the standards of this Subsection (6) are satisfied. Such certifications shall be provided to the Community Development Director.
- (7) *Openings in Enclosures Below the Lowest Floor.* All new construction, substantial improvements, and fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of flood waters.
- (8) *Manufactured Homes.*
- a. Manufactured homes shall be anchored in accordance with this section.
 - b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.
- (9) *Recreational Vehicles.* Recreational vehicles are required to be on-site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements and elevation and anchoring requirements.
- (LDC 2008, § 15A-16-17)

Sec. 21-16-18. Jordan River Flood Plain; Special Regulations.

(a) *Adoption of Printed Volume.* Pursuant to the authority granted to the City by the laws of the State of Utah, the City hereby adopts by reference the provisions contained in an ordinance adopted and printed by Salt Lake County. The said ordinance is entitled Chapter 17.10 and was adopted by the Salt Lake County Commission on July 20, 1994, and is entitled "Jordan River Flood Channel Management Ordinance." Copies of said printed ordinance are on file with the City for information and inspection by the public.

(b) *Amendments to Printed Ordinance.* The following amendments are hereby adopted with regard to the printed ordinance as set forth in Subsection (a) of this section:

- (1) The provisions of Section 17.10.070.A are hereby amended to read as follows:

"In addition to all required Sandy City permits, licenses and approvals, before construction or development begins within any area of the Jordan River flood channel established by Section

17.10.030, approval must be obtained from, and a special permit issued by, the County Engineering Division. Application for such approval and permit shall be made on forms furnished by the County Engineering Division and shall include, but not be limited to:"

- (2) The provisions of Section 17.10.080 are hereby amended to read as follows:

"Any applicant requesting approval for construction or development within any area of the Jordan River flood channel shall submit to the County Engineering Division and the Sandy City Public Utilities Department six copies of the following studies and reports:"

(c) *Additional Regulations.* In addition to those requirements specifically outlined in Chapter 17.10 of the Salt Lake County Code, the following requirements shall be completed prior to development:

- (1) The Jordan River Basin has been identified and mapped by Salt Lake County as having a "High Liquefaction Potential." Because of this special characteristic of this area, a site-specific natural hazards study for residential subdivisions, single-family structures, multifamily residential structures, industrial, and commercial buildings must be completed and accepted by the Sandy City Engineer before approval for required permits, licenses, and other approvals is issued. The study shall address the soil conditions of the property to be developed, the natural hazards that exist, and proposed mitigation measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the Sandy City Engineer.
- (2) All developments shall comply with the recommendations as made by the Jordan River District and Parkway Development Study completed by Bingham Engineering and accepted by Sandy City in February 1995. Copies of that study are on file with the City for information and inspection by the public.

(LDC 2008, § 15A-16-18)

CHAPTER 21-17. DRINKING WATER SOURCE PROTECTION OVERLAY ZONE

Sec. 21-17-1. Title; Applicability; and Authority.

(a) *Title.* This chapter shall be known as the "Drinking Water Source Protection Overlay Zone." The provisions of this zone shall be effective within the boundaries of Sandy City and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the City as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the City. This zone shall be liberally construed to effect the purposes set forth herein.

(b) *Applicability.* It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the City to conform and comply with the applicable provisions contained in this zone. Ignorance of this provision shall not excuse any violations of the provisions of this zone.

(c) *Authority.* Sandy City has the authority to adopt this zone to facilitate compliance and management with drinking water source protection regulations pursuant to the Land Use and Development Act of the Utah Code Ann., the Utah Administrative Code, and other such authorities and provisions as in the statutory and common law of the State of Utah.

(LDC 2008, § 15A-17-01)

Sec. 21-17-2. Purpose and Intent.

(a) The purpose of this zone is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety, and welfare of City residents and visitors. The intent of this zone is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within City boundaries and jurisdiction. This zone establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where groundwater is or could be affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this zone apply to new development/redevelopment and/or handling, movement, and storage of potentially hazardous materials.

(b) The degree of protection afforded by this zone is considered adequate for regulatory purposes. This zone does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the City, any officer, or employee thereof for any damages to the public water supplies from reliance on this zone, nor any administrative order lawfully made thereunder.

(c) A notice to cease or an exemption issued under this zone shall not relieve the owner of the obligation to comply with any other applicable Federal, State, regional or local regulations, rules, ordinances or requirements, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements.

(LDC 2008, § 15A-17-02)

Sec. 21-17-3. Extent and Designation of Recharge Areas and Protection Zones.

(a) *Drinking Water Source Protection Zone Map.* The extent of the recharge areas and the protection zones may be seen on the most current Drinking Water Source Protection Zone Map (DWSPZ Map) on file in the Public Utilities Department. The recharge area boundary lines have been located along streets and or section lines for convenience of assessing which prohibition and restrictions apply to a specific property. This map shall be on file with the Sandy City Public Utilities Department and shall be maintained by the City and Public Water Systems whose groundwater resources lay within Sandy City boundaries and jurisdiction. Any amendments, additions, or deletions to this map shall be by the City and follow hearing and notice procedures established by this title.

(b) *Designation of Recharge Areas and Protection Zones.* The following recharge areas and protection zones are hereby designated within Sandy City:

- (1) Primary Recharge Area—as determined by the USGS (see DWSPZ Map).

- (2) Secondary Recharge—as determined by the USGS (see DWSPZ Map).
 - (3) Protection Zone 1—area within a 100-foot radius from a well.
 - (4) Protection Zone 2—area within a 250-day groundwater time of travel (TOT) to a well. The margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source or the groundwater divide, whichever is closer (see DWSPZ Map).
 - (5) Protection Zone 3—area within a three-year TOT to a well. The margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).
 - (6) Protection Zone 4—area within a 15-year TOT to a well. The margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).
- (c) *Determination of Location of Properties.* In determining the location of properties and facilities within the areas and zones depicted on the DWSPZ Map, the following rules shall apply:
- (1) Property located wholly or partially in a recharge area or a protection zone on the DWSPZ Map shall be governed by the restrictions applicable to that recharge area or protection zone.
 - (2) Property located within more than one recharge area or protection zone as shown on the DWSPZ Map shall be governed by the restrictions applicable to the most restrictive protection zone.
- (d) *Review of DWSPZ Map.* The DWSPZ Map shall be reviewed at least one time every five years, or more frequently if determined appropriate by Sandy City Public Utilities Department. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:
- (1) Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
 - (2) Changes in well field configuration.
 - (3) Changes in pumping rates for the well field.
 - (4) Development of new wells, well fields, and/or springs.
 - (5) Changes in water quality.
- (LDC 2008, § 15A-17-03)

Sec. 21-17-4. Permitted Uses, Public Utilities Approval, and Not Permitted Within Recharge Areas and Protection Zones.

- (a) *Releases.* No person shall discharge or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, to soils, air, groundwater, or surface water in any recharge area or protection zone that may have a deleterious effect upon the groundwater in Sandy City, unless the release is in compliance with Federal, State, and local regulations.

(b) *Review of Development Plans.* All development plans that lie within the primary recharge area shall be reviewed by a registered geologist who has demonstrated expertise in the assessment of recharge rates. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to Sandy City for subsequent review by a registered geologist. (LDC 2008, § 15A-17-04)

Sec. 21-17-5. Management Strategies and Performance Standards.

(a) *Toxic, Hazardous, and Other Materials Handling Regulations.*

- (1) The general classes of substances to be regulated under this zone shall be those set forth in the Generic Regulated Substances List which is presented in Section 21-17-12. The regulated substances shall include those set forth in the most current lists, as amended from time to time, entitled Identification and Listing of Hazardous Materials (40 CFR 261, Subpart D) and List of Extremely Hazardous Substances (40 CFR 355, Appendix A and B) and which are in a form that they are, all or in part, capable of entering the groundwater.
- (2) The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed provided that the quantities of these substances do not exceed the reportable quantity for each regulated substance as designated in 40 CFR 302 (pursuant to Section 311 of the Clean Water Act). An applicant may be exempted from the provisions of this section provided that he demonstrates to the Public Utilities Department and to the Utah Division of Drinking Water Quality that the regulated substances pose no hazard to groundwater.

(b) *Storage Containers.*

- (1) All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in the zone, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire-protection water discharged in the storage area (secondary containment).
- (2) Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, State, and Federal standards.

(c) *Secondary Containment.*

- (1) Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment material.
- (2) The secondary containment system shall have sufficient capacity to contain ten percent of the volume of all containers and 100 percent of the volume of the largest single container, whichever

is greater, plus the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Non-hazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under 40 CFR 261, it must be managed as a hazardous waste in accordance with all applicable requirements of 40 CFR 262 through 266.

- (3) Vacuum suction devices, absorbent scavenger materials, or other devices approved by the Public Utilities Department shall be present on-site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity to hold the total quantity of regulated substances plus absorbent material.

(d) *Regulated Substances Emergency Management Plan.* An Emergency Plan shall be prepared and filed with the Public Utilities Department, the Fire Department, and the Police Department indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the Public Utilities Department to submit a Regulated Substances Management Plan for the facility. The written plan will be used to demonstrate to the Public Utilities Department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this zone. The plan should not be implemented without the approval of the Public Utilities Department.

(e) *Reporting of Spills.* Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR 261, Subpart D), 40 CFR Appendix VIII—Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the City and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the City within 15 days of discovery of the spill.

(f) *Best Management Practices.* Under the provisions of this zone, all potential contamination sources within the City's boundaries shall incorporate and utilize Best Management Practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this zone to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Division of Drinking Water Quality and the U.S. Environmental Protection Agency.

(g) *Underground Storage Tanks.*

- (1) Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and protection zones designated under this chapter shall require a secondary containment system for the tank and associated underground piping and an automatic leak detection system.
- (2) A permit from the Utah Department of Environmental Quality, Environmental Remediation and Response Division shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a State-licensed company. If removal of the USTs is not feasible, the lines shall be disconnected and capped, and the tank shall be filled with an inert substance such as washed sand.
- (3) Best management practices implementation is required for all underground storage tanks.

(h) *Septic Tank Systems.*

- (1) No person shall place, maintain, or operate on-site sewage disposal from a septic tank within the primary recharge area, Zone 1, Zone 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in Zones 3 and 4 shall comply with the Utah State Department of Health Care of Waste Disposal Regulations, Part IV and Part V.
- (2) Nonresidential activities which have septic tank systems shall have installed a four-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by Department personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.
- (3) A septic holding tank that does not discharge into the soil would be preferred. The contents of such a septic holding tank are removed and can be treated or disposed of at an appropriate facility.

(i) *Sewage Collection, Transmission, and Disposal.*

- (1) No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the Department. The owner or operators of any waste water treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the Department within 24 hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within Zones 1 through 4, and the primary recharging area.
- (2) All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.
- (3) No person shall place, maintain, or operate a wastewater treatment plant within Zones 1 or 2.

(j) *General Stormwater Management.*

- (1) All future stormwater management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, State, and Federal laws and regulations.
- (2) The discharge of stormwater into drainage wells, open sinkholes, or sumps shall be prohibited without some form of treatment. This treatment shall be applied to at least the first one-half-inch of runoff from the area tributary to the well or open sinkhole.
- (3) The Clean Water and Storm Water Regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

(k) *Deicing Salt Storage and Application.* Deicing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.

(l) *Landfills.* Expansion or creation of new landfills is prohibited in the primary recharge area, Zone 1, and Zone 2. Existing landfills in the primary recharge area or in Zone 1 shall be required to comply with the provisions of UAC R315-301-1 through 301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:

- (1) Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.
- (2) Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

(m) *Environmental Quality Monitoring.* Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the Department to monitor soil and groundwater in and adjacent to the facility. At the request of the Department, the facility will submit a Monitoring Plan for review. The plan shall be implemented with the approval of the Department. Facilities that undergo closure may be required to monitor soil and groundwater in and adjacent to the facility subject to closure. All costs associated with the closing and monitoring of the site will be paid for by the operator of the facility.

(LDC 2008, § 15A-17-05)

Sec. 21-17-6. Table; Land Use Matrix for Potential Contamination Sources.

The following table identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

- (1) Permitted Uses (P)—The risk of contamination is considered relatively low in the specified zone if regulatory requirements and best management practices are implemented and, therefore, the use is permitted.
- (2) Requires Public Utilities Approval (R)—The risk of contamination is moderate in the specified zone. The use may be permitted only after review and approval by the Public Utilities Depart-

ment. Approval is subject to implementation of best management practices and compliance with other reasonable conditions as may be established by the Public Utilities Department. The Utah Division of Drinking Water Quality shall review all requests before Public Utilities Department approval is given.

- (3) Not Permitted (N)—The risk of contamination is very high in the specified zone. The use is not permitted.

Storm Water:	R-317-8-3.8(1)(a) R-317-8-3.8(b)(c)+(d)	Pretreatment:	Contact Local Municipal Wastewater Plant
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Land Use Matrix for Potential Contamination Sources

<i>Potential Contamination Source</i>	<i>Protection Zone</i>					<i>Best Management Practices</i>
	<i>Primary Recharge</i>	<i>Secondary Recharge</i>	<i>Zone 1</i>	<i>Zone 2</i>	<i>Zones 3 and 4</i>	
Abandoned wells	N	N	N	N	N	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	R	N	R	R	BMP—Department of Agriculture
Airport maintenance and fueling sites	R	R	N	R	R	
Appliance repair	P	P	N	P	P	
Auto operations and fleet vehicle maintenance facilities (commercial):	R	R	N	R	R	BMP—SL Co. Health
•Dealership maintenance departments						
•Tire						
•Auto body						
•Engine repair						
•Rust proofing						
•Oil and lube shops						
•Vehicle rental with maintenance						
Beauty salons	R	P	N	R	P	
Boat building and refinishing	R	P	N	R	R	
Car washes	R	R	N	R	R	Contact Local Planning Department
Cemeteries, golf courses, parks, and plant nurseries	R	R	N	R	R	
Chemical reclamation facilities	R	R	N	R	R	
Chemigation wells	R	R	N	R	R	
Concrete, asphalt, and tar companies	R	R	N	R	R	
Dairy farms and animal feed lots (more than 10 animal units)	R	P	N	N	P	
Dry cleaners (with onsite chemicals)	R	R	N	N	P	
Dry cleaners (without onsite chemicals)	P	P	N	P	P	
Embalming services	R	R	N	R	R	
Farm operations						

Potential Contamination Source	Protection Zone					Best Management Practices
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
•Dump sites	N	R	N	R	R	
•Maintenance garages	R	R	N	R	R	
•Manure piles (___ cubic feet)	R	R	N	R	P	
Food processing, meat packing, and slaughterhouses	R	R	N	N	P	
Fuel, oil, and heating oil distribution and storage facilities	N	R	N	R	R	
Furniture stripping, painting, and finishing businesses	R	R	N	R	R	
Gasoline service stations (including underground storage tanks)	R	R	N	R	R	
Hospitals and medical, dental, and veterinary offices	R	R	N	R	R	
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiber-glass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	N	R	N	R	R	
Industrial waste disposal/impoundment areas	N	R	N	R	R	
Junk and salvage yards	N	R	N	R	R	SL Co. BMP
Landfills and transfer stations	N	R	N	R	P	
Laundromats	R	P	N	P	P	
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	N	R	N	R	R	
Mining operations						
•Radiological	R	R	N	P	P	
•Sand and gravel excavation and processing	R	P	N	P	P	
Municipal wastewater treatment plants	R	R	N	N	P	
Photo processing and print shops	R	R	N	R	R	
Railroad yards	R	P	N	P	P	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	P	N	R	R	Follow manufacturer's directions for use and storage
Residential underground storage tanks	N	R	N	R	P	
RV waste disposal stations	R	R	N	N	P	
Salt and salt-sand piles	R	R	N	R	R	DEQ/UDOT BMP
Septic tank drain field systems	N	R	N	N	R	
Sumps	R	R	N	N	R	
Stormwater detention basin and snow storage sites	R	R	N	R	P	
Toxic chemical storage and oil pipelines	N	N	N	N	N	
Wood preservative treatment facilities	N	R	N	R	R	

UAC:	Utah Administrative Code
UDDWQ:	Utah Division of Drinking Water Quality
UDOGM:	Utah Division of Oil, Gas, and Mining
UDSW:	Utah Division of Solid Waste
RCRA:	Resource Conservation and Recovery Act

(LDC 2008, § 15A-17-06)

Sec. 21-17-7. Exclusions and Exemptions.

Exclusions and exemptions shall not pertain to Zones 1 and 2 within 100 feet from the well field in the recharge areas.

- (1) *Exclusions.* The following substances are not subject to the provisions of this chapter, provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater:
 - a. Required substances stored at residences that do not exceed ten pounds or five gallons and used for personal, family, or household purposes.
 - b. Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds or ten gallons.
 - c. Prepackaged consumer products available through retail sale to individuals for personal, family, or household use that are properly stored.
 - d. Water based latex paint.
 - e. Fertilizers and treated seed (except as noted in this chapter).
 - f. Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment, or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.
 - g. Compressed gases
 - h. Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.
- (2) *Continuous Transit.* The transportation of any regulated substances through any protection zone or recharge area shall be allowed provided that the transporting vehicle is in continuous transit.
- (3) *Vehicular and Lawn Maintenance Fuel and Lubricant Use.* The use of any petroleum product solely as an operational fuel in the vehicle or lawn maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this chapter. These spent products shall be properly disposed of in compliance with applicable Federal, State, and local regulations.

(LDC 2008, § 15A-17-07)

Sec. 21-17-8. Enforcement, Violation, and Penalties.

(a) *Inspections.* The Department shall be granted the right, under this chapter, to enforce the provisions of this chapter for Sandy City. An authorized officer of Sandy City or the Salt Lake City-County Department of Health has the right to conduct inspections of facilities to determine compliance with this chapter. The authorized officer or the Salt Lake City-County Department of Health shall inform the Department and other City entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of Sandy City and/or the Salt Lake City-County Department of Health shall enforce the provisions of this chapter without regard to

whether the wells within Sandy City boundaries are owned by Sandy City. Noncompliance with the provisions of this chapter is a violation. If the facility is not complying with the requirements of this chapter, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This chapter regulates businesses within the protection zones and primary and secondary recharge areas within the City.

(b) *Notice of Violations.*

- (1) Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, the Notice of Violation shall:
 - a. Be in writing.
 - b. Be dated and signed by the authorized City agent that made the inspection or determined the violation.
 - c. Specify the violations.
 - d. Provide a specific date that the violations will be corrected by.
 - e. State that if the violation is not corrected by a specific date, a hearing may be requested before the Department.
- (2) If a Potential Contaminant Source (PCS) is out of compliance with the provisions of this chapter, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the Department if the PCS is found not to employ BMPs, and there is an immediate threat to public health and safety or if the violation is not corrected within the timeframe specified in a written warning previously issued to the PCS. In the event the PCS fails to comply with a cease and desist order within the specified time period, the Department has the authority to file a request for the Department to initiate proceedings for issuance of penalties and other relief as necessary.
- (3) Any PCS or person found in violation of any provisions of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable timeframe for compliance. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak, or discharge of a regulated substance and the Department deems the activity to pose a real and present danger of contaminating surface water or groundwater which would normally enter the public water supply, the Department has the authority under this chapter to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this chapter if use of regulated substances in a protection zone or a primary or secondary recharge area exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.

(c) *Appeals.*

- (1) Persons cited under the enforcement provisions of Subsections (a) and (b) of this section shall be afforded a process for appealing the ruling of the Department. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the Department a written statement demonstrating compliance or explaining a process for coming into compliance. This written response is required no later than 30 days from the date of issuance of the warning.
- (2) If the appeal pertains to a cease and desist order issued by the Department, the PCS can submit a written appeal response no later than ten days from the date of issuance of the order. The written appeal shall contain:
 - a. Documentation of compliance; or
 - b. Response to specific violations cited in the cease and desist order, and the remedial actions planned to bring the facility into compliance; and
 - c. Schedule for compliance.
- (3) Upon receipt of the written appeal, the Department shall be required to review the appeal within ten days of its receipt and respond to the PCS. If the Department determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action will be required. If the Department determines that the appeals response is inadequate, the PCS may request a hearing before the Department. This hearing shall be held within 30 days of receiving the cease and desist order and shall remain in effect until the hearing is conducted.

(LDC 2008, § 15A-17-08)

Sec. 21-17-9. Other.

(a) *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations, conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

(b) *Disputes.* Disputes arising from the delineation of DWSP Zones and primary and secondary recharge areas shall be directed to the Sandy City Public Utilities to review specific detailed delineation maps showing the boundaries. The boundaries have been defined for ease of implementation of this chapter, according to major City streets.

(LDC 2008, § 15A-17-09)

Sec. 21-17-10. Liability.

Any person subject to regulation under this chapter shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the City and/or Salt Lake City-County Department of Health and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this chapter. Such removal

or remedial action by the City and/or Salt Lake City-County Department of Health may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup, or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates an emergency hazardous or is expected to create an emergency hazardous situation.

(LDC 2008, § 15A-17-10)

Sec. 21-17-11. Administration.

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this chapter, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in any existing zoning ordinance in the City, as the same is presently enacted or may from time to time be amended.

(LDC 2008, § 15A-17-11)

Sec. 21-17-12. Exhibit 1, Generic Regulated Substance List.

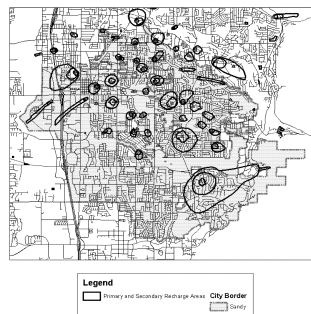
- (a) Acid and basic cleaning solutions.
- (b) Antifreeze and coolants.
- (c) Animal dips.
- (d) Arsenic and arsenic compounds.
- (e) Battery acids.
- (f) Bleaches and peroxide.
- (g) Brake and transmission fluid.
- (h) Brine solution.
- (i) Casting and foundry chemicals.
- (j) Caulking agents and sealants.
- (k) Cleaning solvents.
- (l) Corrosion and rust preventatives.
- (m) Cutting fluids.
- (n) Degreasing solvents.
- (o) Disinfectants.
- (p) Dyes.
- (q) Electroplating solutions.
- (r) Engraving and etching solutions.
- (s) Explosives.

- (t) Fertilizers.
- (u) Fire extinguishing chemicals.
- (v) Food processing wasters.
- (w) Formaldehyde.
- (x) Fuels and additives.
- (y) Glues, adhesives and resins.
- (z) Greases.
- (aa) Hydraulic fluid.
- (bb) Indicators.
- (cc) Industrial and commercial janitorial supplies.
- (dd) Industrial sludges and stillbottoms.
- (ee) Inks, printing, and photocopying chemicals.
- (ff) Laboratory chemicals.
- (gg) Liquid storage batteries.
- (hh) Medical, pharmaceutical, dental, veterinary, and hospital solutions.
- (ii) Mercury and mercury compounds.
- (jj) Metal finishing solutions.
- (kk) Oils.
- (ll) Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds.
- (mm) Painting solvents.
- (nn) Pesticides and herbicides.
- (oo) Photo development chemicals.
- (pp) Plastic resins, plasticizers and catalysts.
- (qq) Poisons.
- (rr) Polishes.
- (ss) Polychlorinated biphenyls (PCBs).
- (tt) Pool chemicals.
- (uu) Processed dust and particulates.
- (vv) Radioactive sources.
- (ww) Reagents and standards.

- (xx) Refrigerants.
 - (yy) Roofing chemicals and sealers.
 - (zz) Sanitizers, disinfectants, bactericides, and algacides.
 - (aaa) Soaps, detergents and surfactants.
 - (bbb) Solders and fluxes.
 - (ccc) Stripping compounds.
 - (ddd) Tanning industry chemicals.
 - (eee) Transformer and capacitor oils and fluids.
 - (fff) Wastewater.
 - (ggg) Water and wastewater treatment chemicals.
- (LDC 2008, § 15A-17-12)

Sec. 21-17-13. Exhibit 2, Map of Primary and Secondary Recharge Areas.

The full-sized, detailed map is on file with the Public Utilities Department.



(LDC 2008, § 15A-17-13)

CHAPTER 21-18. HISTORIC RESOURCES OVERLAY ZONE

Sec. 21-18-1. Purpose.

The purpose of this chapter is to provide regulations for those areas, districts, sites, and buildings in the Sandy area which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of Sandy City, the State of Utah, or the Nation.

(LDC 2008, § 15A-18-01)

Sec. 21-18-2. Duties of Community Development Department and Historic Preservation Committee.

(a) *Community Development Department.* The Community Development Department is hereby charged with the administration and enforcement of the provisions of this chapter.

(b) *Sandy City Historic Preservation Committee.* The Sandy City Historic Preservation Committee, hereinafter "Historic Committee," has been established to recommend to the City and aid property owners in maintaining and enhancing the worthwhile historical resources of Sandy City. The duties of the Historic Committee are as follows:

- (1) To make recommendations to the City Council concerning the designation of historic areas, districts, landmark sites and buildings of historic significance.
- (2) To make recommendations to the City Council on matters pertaining to historic resources.
- (3) To make recommendations to the City Council concerning guidelines for rehabilitation and new construction pertaining to historic resources and areas.
- (4) To aid property owners in maintaining and enhancing their properties in a manner consistent with adopted or otherwise established guidelines.

(LDC 2008, § 15A-18-02)

Sec. 21-18-3. Designation of Historic Areas, Districts, Landmark Sites, and Buildings of Historic Significance.

(a) *Qualification for Designation.* An area, neighborhood, or district may be designated as a historic area or historic district. Any site, natural feature, structure, or building may be designated as a landmark site or building of historic significance if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of Sandy City, the State of Utah, or the Nation; and if it falls into one or more of the following categories:

- (1) *Historical Significance.*
 - a. It is the location of, or is associated in a significant way with, a historic event which had a significant effect upon the City, State, or Nation.
 - b. It is associated in a significant way with the life of a person important in the history of the City, State, or Nation.
 - c. It is associated in a significant way with an important aspect of the cultural, political, or economic heritage of the community, City, State or Nation.
- (2) *Architectural Significance.*
 - a. It embodies the distinctive visible characteristics of an architectural style, period, or a method of construction.
 - b. It is an outstanding work of a designer or builder.
 - c. It contains elements of extraordinary or unusual architectural or structural design, detail, use of materials, or craftsmanship.
 - d. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (3) *Historic Area Significance.* Because of its prominent location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of the City and contributed to the distinctive quality or identity of the City.

(b) *Procedure for Designation.*

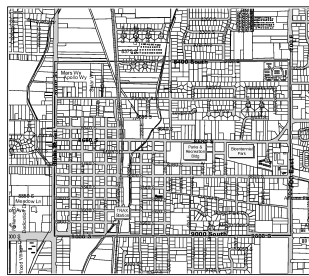
- (1) Any person, group, or association may nominate a prospective area, district, site, or building for formal designation and inclusion in the Sandy Historic Registry. Nominations shall be filed with the Community Development Department.
- (2) The Historic Committee shall review all nomination and make recommendations to the City Council.
- (3) Prior to an action by the City Council, a public meeting shall be held. Notice of which shall be set forth in the public hearings, public meetings and notification requirements section of this title.
- (4) Following a determination of formal designation by the City Council, notice of the determination shall be mailed to the owners of property affected by the designation, together with a copy of this chapter and any pertinent development guidelines. Such designation shall also be entered in the Sandy Historic Registry.

(c) *Historic Sandy Registry.* The Historic Sandy Registry contains a list of all areas, districts, sites, and buildings in the Sandy area which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of City, State, or Nation. This information is on file with the Community Development Department.

(LDC 2008, § 15A-18-03)

Sec. 21-18-4. Designated Historic Resources.

(a) *Historic Areas.* Historic areas are relatively large areas which are generally distinguished by, but not limited to, a common development, heritage, or cultural characteristic. Likely, they are synonymous with a particular neighborhood. A historic area may contain one or more historic districts within its boundaries and will likely contain several landmark sites, and buildings of historic significance. Those areas within Sandy City which have been designated as historic areas are as follows:



Map 13A-18-04(A)(1) - Historic Sandy Neighborhood Historic Resource Overlay

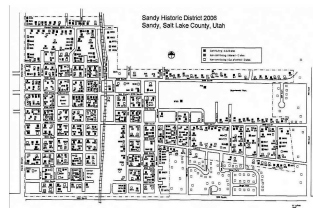
(1) *Historic Sandy Neighborhood.*

- a. *Boundaries.* The Historic Sandy Neighborhood is that area bounded by 9000 South on the South, State Street on the west, 8400 South and its westward extension on the north, and 700 East on the east. The boundaries of the neighborhood shall also include the commercially zoned area on the west side of State Street between 8640 and 8900 South.

- b. *Purpose.* The Historic Sandy Neighborhood encompasses the major part of the original town site of Sandy City and contains a significant inventory of older and unique architectural styles. Lot and block sizes in this area are also characteristic of 19th Century Utah town sites, with historic and other older dwellings which often do not conform to current development standards. The purpose of the design guidelines as they pertain to the Historic Sandy Neighborhood is to:
 - 1. Preserve buildings and related structures of historic and architectural significance.
 - 2. Allow improvements to existing structures or new construction to be conducted without conflict and without eroding the scale and historic character of the neighborhood.
 - 3. Preserve and enhance entryways into the Historic Sandy Neighborhood through design and streetscape standards, where appropriate.

(b) *Historic Districts.* Historic districts are generally smaller and more distinctive than historic areas. Historic districts will likely contain several landmark sites and buildings of historic significance. Those areas within Sandy City which have been designated as historic districts are as shown in Figure 1.

Figure 1. Sandy Historic District, 2006



(c) *Landmark Sites and Buildings.* Landmark sites and buildings of historic significance are distinctive individual sites. Designated sites and buildings are as listed in the Sandy Historic Registry on file with the Community Development Department.
(LDC 2008, § 15A-18-04)

Sec. 21-18-5. Historic Development Guidelines.

(a) *Establishment of Guidelines.* Guidelines for exterior design criteria shall be adopted by the Planning Commission upon the recommendation of the Historic Committee to aid applicants in formulating plans for development or redevelopment relating to designated historic resources.

- (b) *Application of Guidelines.* The guidelines shall apply to the following instances:
 - (1) All rehabilitation, restoration, or reconstruction of, or addition to, the exterior of any improvement which constitutes all or part of a historic area, historic district, landmark site or a building of historic significance.
 - (2) A demolition or relocation of any improvement which is all or part of a building within a historic area, historic district, landmark site or a building of historic significance.

- (3) New construction within a historic area or district, upon any landmark site or on the property associated with a building of historic significance.
- (4) Any signs placed on any building within a historic area or district, upon any landmark site, or on the property associated with any building of historic significance.
- (5) Any fences, walls, and major landscaping elements within a historic area or district, on a landmark site, or on the property associated with a building of historic significance.

(c) *Compliance with Guidelines.* Compliance with the adopted guidelines by any property owner shall be voluntary, except in the case where a Contract of Compliance has been agreed to by the property owner of a building or site within a designated historic district, of a landmark site, or of a building of historic significance.

(LDC 2008, § 15A-18-05)

Sec. 21-18-6. Demolition of Designated Historic Resources.

(a) *Permit Processing Requirements.* When any application is made for a demolition permit for a building within a historic area or district, or a building of historical significance, the Director may delay approval of the demolition for a period of up to 30 days in order to:

- (1) Make a historical record, both written (history, floor plans and elevations) and photographic, of the structure and site.
- (2) Review the condition of the building to determine the impact of the demolition to the neighborhood and the technical feasibility of preservation of the structure.
- (3) Allow the Historic Committee to consider and make recommendations regarding the application.
- (4) Make the owner aware of economic incentives available to rehabilitate historic resources.
- (5) Encourage the property owner not to demolish the building until an attempt can be made to locate either suitable tenants to make the building economically viable again or to find a purchaser who is willing to acquire and rehabilitate the structure.

(b) *Permit Delays.* Upon findings of fact by the Historic Committee, or other groups identified by the Director, that preservation of the building is warranted and in the best interest of the City, the permit may be delayed for an additional 30-day period in order to find funding or other means to compensate the applicant for purchase of the building or for its preservation.

(c) *City Council Action.* If the additional 30-day period identified in Subsection (b) of this section is not found to be adequate, a third 30-day delay may be instituted by the City Council.

(LDC 2008, § 15A-18-06)

CHAPTER 21-19. SPECIAL DEVELOPMENT (SD) DISTRICTS

Sec. 21-19-1. Special Development District SD.

(a) *Purpose.* The Special Development District (SD) Zone designation is provided in order to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development.

(b) *Qualification.* For an applicant to qualify for SD District, classification the following conditions shall be present:

- (1) The property to be classified shall be at least two acres in size.
- (2) The applicant shall demonstrate to the Planning Commission and City Council that development on the property would be substantially constrained by unusual topographic or other natural features, by difficult platting or ownership configuration, by an unusual or difficult impact from public utility structures or other public structures or facilities, or that a similarly unusual hardship condition exists.
- (3) The entire site proposed for SD District classification shall be included in a development plan for review and Planning Commission approval.

(c) *Land Uses Allowed.* Land uses allowed within an SD District shall be established by the review process as described in Subsection (e) of this section.

(d) *District Designation.* When the land uses to be allowed in a specific SD District are determined, a permanent suffix for the district shall be established that shall be shown on the Sandy City Zone District Map. The suffix shall describe the dominant land use characteristic of the district, as illustrated:

- (1) SD-R (residential uses).
- (2) SD-I (industrial uses).
- (3) SD-C (commercial uses).
- (4) SD-X (mixed residential and commercial uses).

(e) *Development Plan.*

- (1) A development plan shall be presented to the Director for review and presentation to the Planning Commission. The Planning Commission shall review the plan, along with comments from the Director. The Commission shall recommend approval, recommend approval with conditions, or recommended disapproval.
- (2) The development plan shall be a conceptual proposal for general development of the entire site proposed for SD classification and shall include the following:
 - a. A legal description and a map drawn to scale showing site boundaries, site orientation, major streets that serve the site and zoning classification and uses on abutting properties.
 - b. The general location of proposed land uses (including structures) and land area to be devoted to each use.
 - c. Existing contours and a general estimate of finished grades and contours.
 - d. Location and type of existing vegetation.

(f) *Specific Development Standards and Regulations.*

- (1) The Planning Commission or the Director may prepare specific development standards and regulations for the proposed site provided such standards and regulations are in conformity with Planning Commission adopted policies, programs, and plans and all applicable chapters of this title. Such standards and regulations may include, but are not limited to:
 - a. The height, location and bulk of buildings.
 - b. The location, arrangement, and configuration of open space and building setback.
 - c. The location and design of off-street parking areas.
 - d. The number, size and location of all signs.
 - e. Permitted or conditional uses.
 - f. Such other regulations and standards as may be necessary to accomplish the purposes and intent of the SD District.
- (2) Unless otherwise specified within the SD District, all current development standards shall apply.

(g) *Zone Change Process.* A petition for an amendment to the Sandy Land Development Code for an SD Zone Classification shall conform to the process as described in the Amendment to Zone District Map and Land Development Code. Information for the petition shall include the development plan approved by the Planning Commission.

(h) *Reversion.* There will be an annual review of SD zones. If substantial construction is not initiated within a year of the zone approval, the classification may be reverted to the previous classification, or that of an abutting district.

(LDC 2008, § 15A-19-01)

Sec. 21-19-2. SD (R-1-9)—1300 E. and 12000 S.

(a) *Purpose.* The Residential R-1-9 District is established to provide a residential environment within Sandy City that is characterized by moderate densities, medium-sized homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.

- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling, residential facility for elderly persons.
- f. Dwelling, residential facility for the handicapped.
- g. Dwelling, group, planned.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Lot Size.* An area of not less than 9,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 80 feet, measured 30 feet back from the front property line.
- c. *Front Yard Requirements.*
 - 1. All buildings shall be set back 30 feet from the front property line.
 - 2. Where lots front on cul-de-sacs or elbows, the front setback may be smaller, provided that no dwelling is closer than 20 feet from the front property line.
 - 3. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet.
 - 4. Garages and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
 - 5. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 and 20 feet, respectively, irrespective of which way the home faces.
- d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet and the total distance of the two side setbacks shall be at least 18 feet. The zero lot line side yard setback shall be zero and at least 18 feet (between dwelling structures).

- e. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line.
- f. *Accessory Buildings and Uses.* Regulated as per R-1-9 Standards.
 - 1. *Size of Buildings.* All dwellings shall be comprised of the following minimum square footage:
 - (i) *One-story.* Split level and split entry: 1,300 square feet.
 - (ii) *Two-story.* Total both levels: 1,625 square feet.
 - (iii) *Garages.* All dwellings shall provide at least a double space garage.
 - 2. *Height of Buildings.* All buildings shall be no higher than 35 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.

(LDC 2008, § 15A-19-02; Ord. No. 12-14, 5-15-2012)

Sec. 21-19-3. SD-MU MIXED USE—7800 S. 1300 E. and 9400 S. 1300 E.

(a) *Purpose.* The purpose of the Special Use District (Mixed Use) is to provide for mixed uses, such as professional office, multifamily and quasi-public.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Athletic, tennis or health club.
- b. Business and financial services.
- c. Commercial retail sales and service up to 10,000 square feet for the entire development site.
- d. Commercial school.
- e. Medical and health care offices.
- f. Nursing care facility.
- g. Quasi-public uses such as a library or other governmental facilities.
- h. Recreation, indoor.
- i. Religious or cultural activity.
- j. Research and development park.
- k. Restaurant.
- l. Theater, concert hall.

(2) *Conditional Uses.*

- a. Planning Commission review is required as set forth in Chapter 21-33.
- b. In addition, after the Planning Commission has reviewed the requested conditional use, it shall forward its recommendation concerning said use to the City Council.

- c. The City Council shall review the use and the Planning Commission recommendation and shall then either deny or permit the conditional use and shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare and in conformance with the provisions of this title, particularly Chapter 21-33.
- d. All responsibilities delegated to the Planning Commission in Chapter 21-33 shall be the responsibility of the City Council for the purposes of this zone.
- e. All relevant time periods shall refer to the date of action of the City Council.
 - 1. Animal kennel, veterinary office.
 - 2. Arcade.
 - 3. Automotive self-service station.
 - 4. Commercial retail Sales and service over 10,000 square feet for the entire development site.
 - 5. Recreation center (outdoor).
 - 6. Restaurant, drive-in.
 - 7. Commercial parking garage.
 - 8. Industry, light.
 - 9. Park and ride facilities.

(c) *Development Standards.*

- (1) *Building Height.* Buildings shall be erected to a height of no greater than 35 feet for any part intended for human occupancy.
- (2) *Commercial and Industrial Standards.* Planning Commission review is required as outlined in Chapter 21-32.
 - a. *Building Location.*
 - 1. No building shall be closer than five feet from any private road or driveway with the exception of any portion that contains a drive-up window or counter. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space and under the same ownership as the structure, may abut the space and have openings onto such appurtenances.
 - 2. The public street right-of-way shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front yard in all cases.
 - b. *Driveway Access and Design.*
 - 1. Unobstructed and direct driveways shall be provided from commercial off-street parking or loading facilities to a street or alley. Loading driveways may coincide with driveways to parking facilities.
 - 2. In establishing permissible curb openings and sidewalk driveway crossings for access to private property, such curb openings or driveways shall not be authorized where

they are unnecessary or where they would interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley, and in no case shall any curb opening be of greater width than necessary for reasonable access to the property to be served. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the length of the curb opening. The curb opening or width of each driveway shall be defined as the throat width of the driveway at the inside point of the curb transition radius at the top face of the curb.

- (3) *Frontage on Arterial or Major Collector Streets.* Uses on parcels with at least 150 feet of frontage are allowed only one access onto an arterial or a major collector street as designated on the Official Street Map. Uses on parcels with less than 150 feet of frontage shall be required to share a common driveway in order to ensure 150 feet of distance between driveways.
- (4) *Frontage on Minor Collector or Local Streets.* Uses on parcels with at least 70 feet of frontage are allowed only one access onto a minor collector street or local street as designated on the Official Street Map. Uses with less than 70 feet of frontage shall be required to share a common driveway in order to ensure 70 feet of distance between driveways.
- (5) *Additional Driveway Openings.* If a capacity or safety need for more than one driveway opening can be demonstrated to the City Engineer, additional driveway openings may be allowed.
- (6) *Off-Street Parking Accessibility.* Where commercial uses share a property line, off-street parking lots serving the properties shall be made accessible to each other, where possible.
- (7) *Driveways and Curb Design.*
 - a. One-way driveways shall be not less than 12 feet nor more than 25 feet in width, except that no two complementary one-way driveways may total more than 40 feet in width. Two-way driveways shall be not less than 25 feet nor more than 32 feet in width. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening.
 - b. Driveways shall be located a minimum of five feet from the side property line, measured from the nearest end transition point. This does not apply to side property lines abutting public rights-of-way.
 - c. Driveways shall have a minimum end transition (curb radius) of ten feet and a maximum of 30 feet. There shall be at least 24 feet of full height curb between the end transition point (point of curvature of the curb lines) of any two driveways, except as noted in Subsections (c)(7)d and e of this section.
 - d. Where a common driveway is of the split, one-way directional type, there shall be at least five feet between the end transition points of the two driveways.
 - e. Wherever a common driveway is constructed serving two or more properties, the common curb opening shall have a maximum width of 36 feet.

- f. The total width of all curb openings shall not exceed 40 percent of the frontage. For corner lots, the total width of curb openings shall not exceed 30 percent of the combined frontages.
- g. No throat of a driveway of curvature for any driveway curb opening shall be permitted within 25 feet of the public right-of-way of an intersecting street.
- h. No curb opening will be approved which contemplates vehicle encroachment on any portion of the street right-of-way for loading, standing, or unloading.
- i. Curb openings must serve only those off-street parking spaces or loading zones that conform to Sandy City standards.
- j. Curb openings shall be entirely within the extension of the side property lines extended perpendicular to the street centerline.
- k. Curb openings and driveways shall be paved and shall provide for adequate drainage.
- l. Curbs for driveway approaches shall be of the radius type and be provided with wheelchair ramps.
- m. Upon the issuance of a building permit, any unused or abandoned curb openings or portion thereof shall be restored to the original curb section by the removal of existing material and replacement of curbing at the expense of the abutting property owner. Upon refusal or neglect of the owner or agent to restore the curb and gutter to their original section, the City shall proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.
- n. Improvements in the public right-of-way shall be designed and constructed in conformance with the applicable specifications. The minimum design vehicle shall be the single unit truck.
- o. No object shall be so situated as to interfere with the required sight-distance of intersections as set forth in the AASHTO specifications.
- p. Special Requirements for Service Stations. The maximum and required width of an access way through the perimeter landscaped strip to a service station shall be 32 feet for two-way vehicular movement and 12 feet for one-way vehicular movement. No more than one two-way driveway shall be permitted for any street frontage up to 100 lineal feet, nor more than two one-way accessways shall be permitted for any street frontage and for frontages of more than 100 lineal feet. Two two-way accesses, each a maximum and required width of 24 feet, are permissible, but shall not be built on the same frontage as any other driveway, said standards to be applicable to any one ownership.
 - 1. Areas in which autos, trailers, etc., are stored for rental as an accessory use must be screened by a wall or opaque fencing to a minimum height of six feet. See Chapter 21-28.
 - 2. The outside display of oil, tires and miscellaneous auto supplies for sale, either permanent or temporary, shall not be permitted in any public right-of-way, nor in front of or in the required landscaped setback.

3. Fuel pump islands located at service stations shall be set back a minimum of 30 feet from the front property line.

(8) *Landscaping.*

- a. *Percent of Lot to be Landscaped.* A minimum of 15 percent of any lot on which there will be a commercial or industrial use shall be landscaped. Such landscaping shall be composed of natural landscaping elements, including lawn, shrubs, trees and planted ferns.
- b. *Commission May Reduce Percentage of Required Landscaping.* The regulations described in this section shall be mandatory, except that the Planning Commission may reduce the 15 percent requirement by five percent in return for any one or a combination of the following (the applicant shall show during site plan review that the reduction of the requirement will not create undo impact on abutting properties):
 1. The planting of specified trees that are larger than two-inch caliper.
 2. Expansion in depth of the front yard landscape requirement (as shown in Subsection (8)c of this section.
 3. The use of a berm of at least three feet high above curb level in the required front yard landscape area.
- c. *Front Yard.*
 1. A minimum of 15 feet of landscaping shall be provided, as measured from the front property line after any required street dedication. This standard shall apply to all frontages. Frontages on arterial streets shall be planted with trees (as specified by the Street Tree Planting Guide) of two-inch caliper in size at intervals of 30 feet.
 2. The Planning Commission may approve the elimination of the parkstrip in a commercial district allowing the sidewalk to be placed against the curb and gutter. If the elimination of the parkstrip is approved by the Planning Commission, the sidewalk shall be increased to five feet. In addition, the front landscape area shall be 19 feet. Trees shall be planted in the front landscaped area according to the Streetscape Guide. If the sidewalk meanders, 24 feet of landscaping is required.
- d. *Side and Rear Yards.* There shall be a minimum of three feet of landscaping between parking areas and side or rear property lines (except between commercial uses where not visible) and a minimum of three feet of landscaping between an access driveway and a side of rear property line, unless said driveway is to be used for common access by an adjacent lot. Other side and rear setback areas that are open to view from public rights-of-way or from residential property shall have a minimum of ten feet of landscaping.
- e. *Parking in Landscaped Area.* Parking within the minimum landscaped area is prohibited.
- f. *Landscaping in Parking Area.*
 1. Landscaping planters and/or raised barrier sidewalks shall be installed along buildings and any paved areas to provide safety to pedestrians and protect the structure.
 2. All landscaped areas abutting any paved area shall be curbed.

3. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than 3½ feet above street level within the area required for minimum sight distances as specified in the Geometric Design Guide (AASHTO) for local roads and streets.
 4. Any traffic channelization island shall be fully landscaped.
 5. Trees shall be required in parking strips at a minimum interval of 30 feet according to the Street Planning Guide for arterial and collector streets.
 6. Boundary landscaping around the perimeter of parking areas shall be separated by a concrete curb or wall at least six inches higher than the parking area. For the purpose of calculating the minimum percentage of landscaping in parking areas, boundary landscaping may be included.
 7. All unpaved areas not utilized for parking, access, or storage, shall be landscaped utilizing ground cover, shrub and tree materials, and/or dry landscape materials (but not to exceed more than ten percent dry landscaping). Undeveloped areas proposed for future expansion shall be maintained free of weeds and trash.
- (9) *Screening Boundaries of Residential Districts.* An opaque screen shall be installed and maintained along lot lines that coincide with all zoning boundaries, other than streets, where the premises abut residential uses. Except as otherwise provided, it shall have a total height of not less than six feet, nor more than seven feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. For commercial areas abutting residential districts, a screen shall consist of one, or any combination, of the following types:
- a. *Walls.* Construction materials shall only include ceramic tile, stone, brick, concrete panel, concrete blocks, or other materials as approved by the Planning Commission. Posts must be reinforced with rebar and wire as specified by the Engineering Department.
 - b. *Signs.* No signs or sign supports shall be permitted on any required screening.
 - c. *Commission May Approve Other Screening.* Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, such as in the case of hillside developments, the Planning Commission may review and approve other methods of screening such as bermed landscaping, open construction, screen height, placement of screen or other types of screening.
- (10) *Storage, Trash and Mechanical Equipment.* Storage areas which do or do not contain garbage or rubbish containers (dumpsters) shall be screened with landscaping or opaque fencing. Each wall or fence shall be at least six feet in vertical height or equal in height to the containers or dumpsters to be screened and shall be sufficient to screen such facilities from a public street or neighboring lot. See Chapter 21-28.
- a. No outdoor storage display or dumpster shall be located within 30 feet of any residential district and no storage display or dumpster shall be permitted in the required front yard setback.

- b. All mechanical equipment (air conditioning, transformers, etc.) shall be screened with opaque material.
- (11) *Lighting.* Reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking and loading areas, and preventing any bright, direct illumination upon adjacent property or any public right-of-way. No unshielded white lights, reflectors, spotlights, strobe lights, or search lights shall be so located that they are pointed towards or are directly visible from frequently-traveled public rights-of-way.
- (12) *Signs.* Signs are permitted subject to the provisions of the Sandy City on-premises and off-premises sign regulations.
- (13) *Parking Lots and Loading.*
- a. *General.* There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard-sized automobiles in accordance with the requirements herein.
 - b. *Parking Areas, Development and Maintenance.* Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot or an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:
 - 1. *Curb.* The perimeter of the paved surface shall be finished with concrete curb and handicap ramp, where necessary.
 - 2. *Landscaping.* The planting of trees, lawn and shrubs or other approved material is required within appropriate areas, especially along street frontage, and along boundaries that abut residential lots.
 - 3. *Surfacing.* Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic, brick or concrete surfacing, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
 - 4. *Lighting.* Lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining residential premises.
 - 5. *Off-Premises Parking.*
 - (i) Where parking is to be provided off of the premises, a recorded document, signed by the owners of the property, stipulating to the permanent use of the site for parking shall be filed with the Community Development Department. Such parking shall be within 200 feet of the use for which the parking is being provided.
 - (ii) Required parking may be separated on the same site by landscaping or building elements.

(14) *Off-Street Loading.*

- a. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise are regularly made by motor vehicle, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one for each additional 20,000 square feet or major fraction thereof. Additional parking may be required depending upon the use.
 1. Each loading space shall be not less than 12 feet in width and 25 feet in length and 14 feet high if covered or enclosed.
 2. Such loading space may occupy the rear or side yard, except that it shall be located no closer than 30 feet from the edge of the dock to any residential district. Loading areas shall be screened from view from public streets.

(LDC 2008, § 15A-19-03)

Sec. 21-19-4. Elderly Housing Zone—Brim and Associates—11000 S. 700 E., 10600 S. 300 E., and 8300 South Highland Drive.

(a) *Purpose.* The SD(EH) Zone is established to provide an area for elderly housing, including nursing homes, convalescent centers and assisted living centers. This zone is not intended for hospitals, clinics or health care centers. To ensure neighborhood compatibility, all developments shall be approved by the Planning Commission as a part of site plan review.

(b) *Uses Allowed.* The only uses permitted are those specifically listed or otherwise interpreted to be similar to those listed as permitted by the Planning Commission.

- (1) Nursing care facility.
- (2) Residential health care facility.

(c) *Development Standards.*

- (1) *Parcel Size.* A planned elderly center shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit. In no case shall any project developed under this section be under one acre in size.
- (2) *Building Height.* The maximum height for all buildings shall be 35 feet from average grade.
- (3) *Building Setbacks.* It shall be within the authority of the Director to determine for any lot in this district, as to which property lines shall be considered as side or as rear lines for the purpose of administering this section. No building shall be closer to a public street right-of-way than 30 feet.
 - a. *Front Setbacks.* The public street right-of-way shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases. Canopies, overhangs, and similar coverings may project into the front setback area a maximum of ten feet.

- b. *Side Setbacks.* Side setback areas shall be a minimum of ten feet, excluding canopies and overhangs, except where a side property line abuts a residential district, in which case the side setback area shall be a minimum of 30 feet.
 - c. *Rear Setbacks.* Rear setback areas shall be a minimum of ten feet, except where a rear property line abuts a residential district, in which case the rear setback area shall be a minimum of 30 feet.
- (4) *Parking.* Parking for all uses shall be in accordance with the following ratio: one-half spaces per bed. No parking shall be permitted in the minimum front, side, or rear landscape setback areas, except where a side or rear landscape setback area abuts a residential zone.
- (5) *Loading.* All loading and unloading operations shall be performed on the site. Off-street berths, where required according to the schedule below, shall be provided in addition to required off-street parking and shall not be located within driveways. Each loading berth shall not be less than 12 feet wide, 25 feet long and, if enclosed or covered, 14 feet high. Adequate turning and maneuvering space are to be provided between the lot lines.
- (6) *Driveway and Curb Opening.* In establishing permissible curb openings and sidewalk driveway crossings for access to private property, they shall not be authorized where they would interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley, and in no case shall any curb opening be of greater length than necessary for reasonable access to the property to be served thereby. In determining the length of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the length of the curb opening. The curb opening or width of each driveway shall be defined as the throat width of the driveway at the inside point of the curb transition radius at the top face of the curb. The following standards shall apply in determining the size of curb openings and location of driveways:
- a. Driveways shall have a minimum end transition (curb radius) of ten feet and a maximum of 30 feet. There should be at least 24 feet of full-height curb between the end transition point (point of curvature at the curb lines) of any two driveways serving one piece of property.
 - b. Curb openings for driveways shall be regulated by the following standards:
 - 1. Where the width of the adjacent public right-of-way is less than 80 feet, no curb opening for a driveway shall be longer than 30 feet, except as noted in Subsection (c)(6)c of this section.
 - 2. Where the width of the adjacent public right-of-way is 80 feet or more, no curb opening for a driveway shall be greater than 33 feet, except as noted in Subsection (c)(6)c of this section.
 - 3. Wherever a common driveway is constructed serving two or more properties, that common driveway and curb opening will have a maximum width not to exceed 36 feet.

- c. The total length of all curb openings shall not exceed 40 percent of the frontage. For corner lots, the total length of curb openings shall not exceed 30 percent of the combined frontages.
- d. No point of curvature for any driveway curb opening shall be permitted within the following distances of the points of curvature for intersection curb turns:
 1. 25 feet if the intersection is signalized;
 2. 25 feet if the intersecting street's right-of-way is greater than 66 feet; and
 3. 12 feet if the intersecting street's right-of-way is equal to or less than 66 feet.
- e. Where the construction of more than one curb opening is required, a concrete safety curb between curb openings, along and inside the property line, shall be provided when the property located between two driveways is used for the purpose of movement, storage or parking of vehicles.
- f. No curb opening will be approved which contemplates a vehicle's encroachment on any portion of the street right-of-way for loading, standing or unloading.
- g. Curb openings must serve only legal off-street parking spaces or loading zones.
- h. Curb openings shall be entirely within the extension of the side property lines extending perpendicular to the street centerline.
- i. Curb openings and driveways shall be paved and provide for adequate drainage.
- j. Curbs for driveway approaches shall be of the radius type and be provided with wheelchair ramps.
- k. Any unused or abandoned curb openings or portion thereof shall be restored to the original curb section at the expense of the abutting property owner. Upon refusal or neglect of the owner or agent to restore the curb and gutter to their original section, the City shall proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.
- l. Improvements in the public right-of-way shall be designed and constructed in conformance with the applicable specifications. The minimum design vehicle shall be the single unit truck.
- m. No object shall be so situated as to interfere with the required sight-distance of intersections as set forth in the AASHTO specification.

(7) *Storage Areas.*

- a. All outdoor storage, including vehicle storage, shall be visually screened from access streets, freeways, and adjacent property. Said screening shall form a complete opaque screen up to a point six feet in vertical height, but need not be opaque above that point. Such requirement shall not apply to loading docks.
- b. No storage shall be permitted between a frontage street and the building line. Furthermore, no outdoor storage shall be located within 30 feet of any district zoned for residential use.

- (8) *Mechanical Equipment.*
- a. All mechanical equipment (air conditioning, transformers, etc.) on the ground shall be screened with opaque material.
 - b. All mechanical equipment located on the roof shall be screened with opaque material where deemed appropriate by the Planning Commission.
- (9) *Refuse Collection Areas.*
- a. All outdoor refuse collection areas shall be visually screened from access streets and adjacent property by a complete opaque screen.
 - b. No refuse collection areas shall be permitted between a frontage street and the building line.
- (10) *Landscaping and Suggested Amenities.*
- a. The preservation of natural features that enhance the development and will benefit the community (including trees, scenic points, view corridors, historic buildings or locations, unique geological formations and other community assets).
 - b. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total planned development and shall project the residential character thereof.
 - c. Building Spaces. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
 - d. The landscaping upon the entire site shall conform to the following minimum requirements:
 1. *Front Setback.* A minimum of 15 feet measured from the front property line after any required street dedication. This standard shall apply to both frontages of a corner parcel.
 2. *Side and Rear Setback.*
 - (i) A minimum of three feet between parking areas and side or rear property lines.
 - (ii) A minimum of three feet between an access driveway and a side or rear property line, unless said driveway is to be used for common access by an adjacent commercial parcel.
 - (iii) Other side and rear setback areas that are open to view from public rights-of-way or from residentially zoned property.
 - (iv) Irrespective of other requirements, developments abutting residential districts shall have a minimum of ten feet of perimeter landscaping and shall have large trees and shrubs planted to form a buffer between uses. Buffer areas may be

approved with interval landscaping when not open to view from public rights-of-way and where it can be shown that the buffer areas will conform to the intent of this section.

- (11) *Screening at District Boundaries.* An opaque screen shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses, unless otherwise provided.
- a. Except where otherwise provided, the screen shall have a total height of six feet.
 - b. Acceptable construction materials for screens shall only include ceramic tile, stone, brick, concrete panel, concrete block, or such other materials as the Planning Commission may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Engineering Department.
 - c. No signs or sign supports shall be permitted on any required screen.
 - d. Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, such as in the case of hillside developments, the Planning Commission may review and approve other methods of screening such as bermed landscaping, open construction, screen height, placement of screen or other types of screening.
- (12) *Signs.* Signs are permitted in this district subject to the provisions of Chapter 21-26.
- (13) *Procedure.* All permitted uses proposed for development shall be subject to the site plan review process and submittal requirements as outlined in Chapter 21-32.
- (LDC 2008, § 15A-19-04)

Sec. 21-19-5. SD(R)3.75—8125 S. 865 E.

(a) *Purpose.* The Residential SD(R)3.75 District is established to provide a residential environment within Sandy City that is characterized by moderate densities, a variety of housing sizes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Bed and breakfast facility.
- c. Cemetery, columbarium, crematory, mausoleum.
- d. Day care, group.

- e. Dwelling, earth-sheltered.
- f. Dwelling, group planned.
- g. Dwelling, residential facility for elderly persons.
- h. Dwelling, residential facility for the handicapped.
- i. Model home.
- j. Park and ride facilities, on arterial streets.
- k. Planned unit development.
- l. Public service.
- m. Public utility station.
- n. Recreation, outdoor.
- o. Religious, cultural activity.
- p. School, private or quasi-public.
- q. School, public.
- r. Zero lot line development (detached only).
- s. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Lot Size.* An area of not less than 7,150 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 65 feet, measured 30 feet back from the front property line.

(2) *Building Setbacks.*

- a. *Front Yard Requirements.*
 - 1. *Property line setback.* All buildings shall be set back 30 feet from the front property line.
 - 2. *Front setback.* Where lots front on cul-de-sacs or elbows, the front setback may be smaller, provided that no dwelling is closer than 20 feet from the front property line.
 - 3. *Slope.* Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet.
 - 4. *Corner Lots.* On corner lots, the front setback shall be a minimum of 25 feet and 20 feet, respectively, regardless of which way the home faces.
- b. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least six feet and the total distance of the two side setbacks shall be at least 14 feet.

- c. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of 20 feet on interior lots and 15 feet on corner lots. On irregular lots the minimum setback may be an average, provided that no portion of the building is closer than ten feet to the property line. Cul-de-sac lots, with a depth measurement of less than 90 feet measured at the shortest distance between front and rear property lines, may obtain approval from the Planning Commission during preliminary subdivision approval for a 15-foot rear setback.
 - d. *Accessory Buildings and Uses.* Regulated as per R-1-12 standards.
- (3) *Size of Buildings.* All dwellings shall be comprised of the minimum square footage as follows:
- a. Main floor of rambler, or upper two levels of split level, and split entry: 1,000 square feet.
 - b. Two-story: 1,500 square feet.
 - c. All dwellings shall provide at least a double-car garage.
- (4) *Height of Buildings.* All buildings in an R-1-8 District shall be no higher than 30 feet. Dwelling structures less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
- (5) *Parking Provisions.* At least two off-street parking spaces shall be provided and maintained for each dwelling unit.
- (6) *Streetscape Requirements.* A Streetscape Plan shall be submitted by the developer and approved by staff. The plan shall consist of two-inch caliper minimum deciduous trees, to be planted on a maximum of 25-foot centers. A minimum of two street trees on each street frontage for each lot will be required. The street trees shall be planted by the developer, prior to a Certificate of Occupancy being issued on any dwelling. The species of tree shall also be approved by staff.
- (7) *Building Materials.* In each subdivision 75 percent of the homes shall have an amount of brick or rock, located anywhere on the structure, which is equal to or greater than 40 percent of the area of the front facade. The building plans must show on the elevations, the area of the front facade in square feet, and the area in square feet and location of the required brick or rock. The remaining 25 percent of the homes have no masonry requirements.
- (LDC 2008, § 15A-19-05; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-6. SD Magna/2000 East—9400-9800 S. 2000 E.

(a) *Purpose.* The purpose of the Magna/2000 East Specific Development District is to provide for a mixture of uses including retail commercial and various densities of residential uses, in a style and setting which will enhance not only the development of a particular property, but the surrounding neighborhood and community as a whole. Therefore, in order to better bring about this desired enhancement, the SD Magna/2000 District is divided into subdistricts to address each particular use more specifically (See Exhibit "A" of "The Little Cottonwood Project Design and Development Standards"). Additionally, more extensive standards are adopted for the various aspects or elements of development than would generally be required by this title.

(b) *Subdistricts.* The following subdistricts are included within the Magna/2000 East Specific Development District.

- (1) SD/CC Planned Center/Community Commercial—9400 S. 2000 E.
- (2) SD/PUD(15) Planned Unit Development (at a base density of 15 Units per Acre)—9800 S. Highland Drive (West side) SD/PUD(6) Planned Unit Development—9800 S. Highland Drive (East side).
- (3) SD/R(4.25) Single-family Residential—Approximately 9700 S. 2100 E.
- (4) SD/R(3.75) Single-family Residential—Approximately 9800 S. 2100 E.

(c) *Review Procedure.* Planning Commission review is required according to the standards outlined in for each individual phase or portion of the development, or any major amendment to an adopted site plan.

(d) *Development Standards.* The development standards listed below shall apply to the development as a whole. In addition, specific development standards as listed within each subdistrict, as well as "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City, shall be followed.

- (1) *Streetscape Plan.* A Streetscape Plan approved by the Planning Commission shall be required before approval of any part of a development bordering an affected arterial or collector street (i.e., 9400 South, 9800 South, and Highland Drive). Such plan shall show improvements for the entire width of each arterial and/or collector street and all transition areas for those portions of the streets which are part of or immediately adjacent to the SD Magna/2000 District. The purpose in showing adjoining areas is not to obligate the developer to off-site improvements, but rather to facilitate the transition from neighboring areas and to set standards for future streetscape improvements to those neighboring areas.
- (2) *Grading Plan.* In addition to the requirements of Chapter 21-27, the Preliminary Grading Plan for the entire SD District shall be reviewed and accepted by the Planning Commission prior to acceptance of the Final Grading Plan by the City Engineer. Details and standards of grading are as contained in "The Little Cottonwood Project Design and Development Standards."
- (3) *Landscape Plan.* An approved Landscape Plan for each development or phase of development within a subdistrict shall be required before final site plan approval of that portion of the development. The purpose of the plan shall be to show not only the proposed landscape treatment for the subject development, but the transition from adjoining development. Specific requirements of the Landscape Plan are as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.
- (4) *Screening and Buffering.* Specifications for required screening and buffering are as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City. The colored decorative masonry barrier wall along the western border of the commercial subdistrict, and the colored decorative masonry barrier wall along the western border of the

PUD Subdistrict shall each be erected when construction begins in that individual subdistrict. The perimeter landscaping shall be installed as soon as possible after completion of the wall, according to the timetable set forth by the Planning Commission at site plan review.

- (5) *Pedestrian Corridors.* A prominent feature of the Magna/2000 East SD District is the development of pedestrian corridors to buffer the commercial area from the adjoining uses. Pedestrian corridors shall not be interpreted to include service driveways, roadways, dumpsters, parking, or other uses related to the building. Such corridors shall be developed as follows:
- a. The pedestrian corridor along the western edge of the development, between the commercial and neighboring single-family residential area, shall have a width of at least 50 feet.
 - b. The pedestrian corridor along the southern edge of the commercial area shall have a width of at least 30 feet.
 - c. Additional requirements for development of the Pedestrian Corridors are as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.

(LDC 2008, § 15A-19-06)

Sec. 21-19-6A. SD/CC—Planned Center/Community Commercial Subdistrict.

(a) *Purpose.* The purpose of the CC Planned Center/Community Commercial Subdistrict is to allow for retail businesses and related uses to be grouped together into a well-planned and -designed shopping center as a complementary portion of the community center for the Alta Canyon Quadrant. The development is characterized by a shopping center which follows the current development trend by emphasizing several large national tenants, with fewer smaller tenant spaces being provided. This zone is intended to increase commercial investment in the City and encourage the location of new types of businesses needed in the area; not simply encourage the relocation of existing local businesses in a new commercial setting.

(b) *Location and Size of Subdistrict.* The location of the CC Subdistrict is in the northwest portion of the SD District, at the southwest quadrant of the intersection of 9400 South and Highland Drive (2000 East). The CC Subdistrict shall consist of no more than 30 net acres, exclusive of public street dedications and adjoining pedestrian corridors.

(c) *Uses Allowed.*

- (1) *Permitted Uses.* A commercial center, community is allowed as a conditional use. Upon issuance of a conditional use permit and completion of site plan review, the following uses shall be allowed as permitted uses:
- a. Arcade.*
 - b. Athletic, tennis, or health club.
 - c. Automotive self-service station.*
 - d. Automotive service station.*
 - e. Business or financial services.

- f. Commercial retail sales and services.
- g. Commercial school.
- h. Medical and health care offices.
- i. Public service.
- j. Recreation center.*
- k. Recreation, indoor.
- l. Religious or cultural activity.
- m. Restaurant.
- n. Restaurant, drive-in.*
- o. Theater, concert hall.**
- p. Alcoholic beverage off-premises retailer license.*
- q. Alcoholic beverage restaurant beer-only license.***
- r. Alcoholic beverage restaurant, limited service.***
- s. Alcoholic beverage restaurant, full service.***
- t. Alcoholic beverage on-premises recreational beer retailer.

*These uses require a conditional use permit if located within 250 feet of a residentially zoned district.

**These uses are not permitted if located within 250 feet of a residentially zoned district.

***Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
 - (2) Lighting of the building at the entrance.
 - (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.
- (2) *Conditional Uses.* The following uses may be allowed but shall require a separate conditional use permit:
- a. Auto repair, minor.
 - b. Commercial parking garage.
 - c. Industry, light.
 - d. Motel/hotel.
 - e. Park and ride facilities.
 - f. Public schools.
 - g. Public utility station.
 - h. Alcoholic beverage single event permit.
 - i. Alcoholic beverage temporary beer event permit.

j. Alcoholic beverage State store.

(d) *Development Standards.* Developments within the CC Subdistrict shall comply with all provisions of Chapter 21-23, with the following exceptions:

- (1) *General Site Design.* A commercial center shall be designed as an integrated complex of leasable spaces in a single building or group of buildings. A master site plan shall be prepared for site plan review following requirements of Chapter 21-32. In addition to requirements of Chapter 21-32, the site plan shall show the relationship of buildings to parking facilities, pedestrian walkways or corridors, landscaped areas, service entrances, and abutting streets.
- (2) *Building Location and Setbacks.*
 - a. Buildings shall be set back from public street rights-of-way a minimum of 30 feet. Except for any portion of a building that contains a drive-up window or counter, no building shall be closer to any private road or driveway than five feet.
 - b. Buildings or structures within the planned center may abut the adjacent pedestrian corridors, but in no case shall a building or structure be closer than 50 feet to the western boundary of the SD District.
 - c. Buildings or structures to be located on pad sites shall be located no closer than five feet to the property lease line, except for any portion that contains a drive-up window or counter.
- (3) *Building Height.* No building shall exceed a height of 35 feet along the required building setback line (measured from the finished grade at a point on the property line perpendicular to the building). Building height may be increased at a ratio of 1:1 beyond the required building setback, to a maximum building height of 45 feet for those portions of the building located at least 20 feet beyond the required setback line.
- (4) *Driveways and Curb Openings.* No driveway accessing an arterial or collector street shall be approved closer than 200 feet from the intersection of Highland Drive and 9400 South. Distances between driveways shall otherwise comply with Chapter 21-24.
- (5) *Parking and Loading.*
 - a. The number and size of required parking spaces shall be according to requirements set forth in Chapter 21-24.
 - b. All required off-street parking shall be provided on the site of the planned center. However, parking facilities should not be located in one consolidated area of a particular site, but should be separated by landscaping or building elements. Parking areas will be interconnected with drives to provide for on-site traffic circulation.
 - c. No parking shall be permitted in the required landscape areas.
 - d. All loading and unloading shall be performed on-site. Such on-site loading areas shall be in addition to required off-street parking and shall not be located within driveways.
 - e. Additional requirements shall be as found in Chapter 21-23.

- (6) *Landscaping.*
- a. Landscaping of planned centers shall cover a minimum of five percent of the parking area.
 - b. Where a planned center abuts a public street right-of-way, there shall be at least 39 feet of landscaping measured from the back of street curb to the back of parking lot curb, exclusive of driveways. The 39-foot landscaped area shall include a sidewalk which complies with the approved Streetscape Plan.
 - c. Landscaping planters and/or raised sidewalks shall be installed along buildings and any paved areas.
 - d. All required landscaped areas abutting any paved area shall be curbed.
 - e. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than 3½ feet above street level within the area required for minimum sight distances as specified in the Geometric Design Guide (AASHTO) for local roads and streets.
 - f. Landscaping in parking areas may be required at site plan review for channelization and shall be considered in calculating the five percent landscaping requirement for parking areas.
 - g. Boundary landscaping around the perimeter of parking areas shall be separated by a concrete curb or wall at least six inches higher than the parking area.
 - h. All unpaved or undeveloped areas of an approved development which are not utilized for parking, access, or storage, shall be landscaped utilizing ground cover, shrub and tree materials, and/or dry landscape materials. This shall include undeveloped pad sites.
 - i. All areas included within a future development phase shall be trimmed and maintained in accordance with the City's soil, erosion and blowing dust ordinances.
- (7) *Lighting.* Electrical reflectors, spotlights, floodlights and other sources of illumination may be used for buildings, landscaping, signs, parking and loading areas, provided they are equipped to concentrate the illumination upon the building, landscaping, signs, parking and loading areas, and prevent any bright, direct illumination upon adjacent residential areas or any public right-of-way. No unshielded lights, reflectors, or spotlights shall be so located that they are shining towards or are directly visible from frequently-traveled public rights-of-way.
- (8) *Screening of Storage, Trash and Mechanical Equipment.* Standards are as listed in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.
- (9) *Signage.*
- a. Signs are subject to the provisions of the Sandy City on-premises and off-premises sign regulations as found in Chapter 21-26.
 - b. No signs or sign supports shall be permitted on any required screening.

(e) *Additional Development Standards.* In addition to the Development Standards as listed above, all developments within the CC Subdistrict shall comply with the standards as contained in "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City.

(f) *Development Phasing.* Phasing of development is allowed; however, no development within this subdistrict shall be given final site plan approval until a final Engineering Plan and Streetscape Plan are approved for the extension of Highland Drive from 9400 South to 9800 South. Furthermore, no portion of any development shall be occupied until required street improvements for Highland Drive have been completed.

(LDC 2008, § 15A-19-06A; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-6B. PUD (15) and (6)—Planned Unit Development Subdistricts.

(a) *Purpose.* The purpose of the PUD Planned Unit Development Subdistrict is to provide an area for alternative types of housing from those generally found in the surrounding neighborhood. More specifically, the intent is to provide an area for higher density housing characterized by up-scale, high-quality developments with abundant amenities, to serve those citizens who may no longer feel the need or have the desire to maintain a large lot, single-family home.

(b) *Location and Size of Subdistrict.* Generally, the PUD Subdistrict is located toward the southwest portion of the Magna Development property, on either side of the Highland Drive right-of-way. This subdistrict is not defined by acreage, but by the natural boundaries imposed by the adjoining CC and R(3.75) Subdistricts of this development, Highland Drive, and the Alta Canyon Recreation Center (See Exhibit "A" of "The Little Cottonwood Project Design and Development Standards"). For all intents and purposes, the PUD Subdistrict, as divided by Highland Drive, is considered as having two separate and distinct areas; including, but not limited to, the calculation of any density and bonuses related thereto, and the submission and request for site plan and all other approvals.

(c) *Permitted Uses.*

- (1) Dwelling, single-family.
- (2) Dwelling, multiple-unit.
- (3) Dwelling, planned group.
- (4) Dwelling, residential facility for elderly persons (non-business).
- (5) Dwelling, residential facility for the handicapped.
- (6) Home occupation, Category I.

(d) *Conditional Uses.*

- (1) Commercial uses of an accessory nature which are shown to be compatible and necessary for the development project.
- (2) Day care, group.
- (3) Model home.
- (4) Religious or cultural activity.

(5) Home occupation, Category II.

(e) *Density Allowances.*

(1) A base density of 15 dwelling units per gross acre is permitted for that portion of the PUD Subdistrict located on the west side of Highland Drive. However, upon site plan review and approval by the Planning Commission, if the amenities required under Subsection (g) of this section are provided, as confirmed at site plan review, an allowable density of up to 22 units per acre over the entire western portion of the PUD Subdistrict (refer to Subsection (e)(1)a of this section) is permitted. Since clustering of units is allowed and encouraged, unit density on any portion of the site may exceed 22 units per acre so long as the average density for the entire western portion of the PUD Subdistrict does not exceed 22 units per acre.

a. *Incentive Bonuses.* The following are desirable amenities or design option, the provisions of which may be exchanged for bonus concessions on development requirements as provided below:

<i>Design Options</i>	<i>Bonus Allowed</i>
Provision of at least 10 percent increase in common open space	Additional 5 percent higher density for each 10 percent
Creation of significant recreation facilities	Up to 5 percent higher density
Placement of all required parking within the principal structures	Up to 20 percent higher density
Exterior material 75 percent brick/stone	Up to 10 percent higher density
The separation of pedestrian, vehicular and bicycle traffic	Up to 5 percent higher density
Exterior property brick fenced or appropriately landscaped or bermed	Up to 5 percent higher density

Density bonuses shall be derived from the base zoning.

(2) A maximum density of six dwelling units per gross acre is permitted for that portion of the PUD Subdistrict located on the east side of Highland Drive. Since clustering of units is allowed and encouraged, unit density on any portion of the site may exceed six units per acre so long as the average density for the entire portion of the PUD Subdistrict does not exceed six units per acre.

(f) *Development Standards.* All development shall be subject to the provisions listed below, as well as "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City. In addition, the Planning Commission shall require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as reasonably necessary.

(1) *Setbacks.* Specific yard, setback, and/or lot size requirements shall be determined by the Commission at the time of site plan review. However, in no case shall the setback of any portion of any main building be located closer than 30 feet to any outside boundary of the development or to any public right-of-way; except that any main building within the western PUD shall have a minimum 50-foot setback from any abutting single-family residential district.

(2) *Height of Buildings.* No building shall exceed a height of 2½ stories or 35 feet.

(3) *Minimum Dwelling Size.*

a. Western PUD: mix of dwelling unit sizes to be approved by the Planning Commission.

- b. Eastern PUD: R-1-8 standards.
- (4) *Open Space.*
- a. Open space shall be provided and shall not cover less than 50 percent of the net site area (site area less public street rights-of-way). The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets or alleys. Said open space shall be devoted to landscaping, patios, recreational areas, and preservation of natural features.
 - b. At least 50 percent of the required open space shall be designated for use as public and/or common open space (recreational, park, or environmental amenity). Private open space (that is provided for each dwelling unit for personal use) shall be located immediately adjacent to, or within, the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of that dwelling unit. Unless otherwise approved by the Commission, landscaped roof areas or decks attached to individual units may not be calculated as part of the required public or common open space.
- (5) *Streets and Street Access.*
- a. The design of public and private streets within a PUD shall follow Sandy City standards for width of right-of-way and construction (minimum road width of 27 feet with a 52-foot right-of-way). Existing City standards of design and construction (such as relocating sidewalks) may be modified if it is deemed appropriate by the Planning Commission.
 - b. Minor streets within the PUD shall not be connected to local residential streets outside the development. Emergency access, in the form of a crash gate, may be required at site plan review.
 - c. Access to any development shall comply with acceptable traffic engineering standards. Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic.
 - d. The interior street system of a PUD project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association, where one exists, as established in Section 21-20-7.
 - e. Adequate emergency vehicle access shall be provided as specified by applicable codes.
- (6) *Required Parking.* Parking spaces shall be provided as required in Chapter 21-24, except as follows for multiple-family units:
- a. One-bedroom unit: 1.5 parking spaces per unit.
 - b. Two-bedroom unit: 1.8 parking spaces per unit.
 - c. Three or more bedroom unit: 2.0 parking spaces per unit, plus one-half space for each bedroom over three.
 - d. Guest parking spaces:
 - 1. 0.2 parking spaces per unit for the first 100 units;

2. 0.1 parking spaces per unit for additional units.
 - e. Recreational vehicle storage shall be provided in a secured on-site location. Such site shall be screened either through structures or landscaping, from single-family areas bordering the SD District.
- (7) *Pedestrian and Bicycle Paths.* Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential, and recreation facilities in or adjacent to the development. The paths must be designed in conjunction with any adjoining recreational trail and in consideration of any pedestrian and/or bicycle overpasses, underpasses or of any traffic signalization.
- (8) *Landscaping on Right-of-Way.*
- a. Where a PUD is adjacent to a public right-of-way, a permanent open space of at least 20 feet in width shall be required along the property lines. This area shall be kept free of all structures, except fencing, and shall be permanently maintained in street trees and other landscaping.
 - b. All parking areas, covered or open, shall have a minimum five-foot landscaped buffer adjacent to any public right-of-way.
- (9) *Privacy.* Each PUD shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants; the screening of objectionable views or uses; and the reduction of noise.
- (10) *Security.* The development shall be designed to support security services, taking into account public safety recommendations from the Sandy City Police Department.
- (11) *Signage.* The size, location, design, and nature of signs, if any, shall be located and constructed according to the standards and requirements outlined in Chapter 21-26.

(g) *Required Amenities.* Successful multifamily housing close to single-family neighborhoods requires good planning, visually appealing design, and a buffer of landscaping and open space to define the different land uses. Therefore, and because of the purpose envisioned by the creation of the SD Magna/2000 East SD District, certain amenities normally allowed under Subsection (e) of this section are required of any development within the PUD Subdistrict. The required amenities of this chapter are as follows:

- (1) *For All Development.*
 - a. Quality exterior materials including brick, stone, synthetic stucco, prefinished panel, or other materials of similar quality, durability, and low maintenance as accepted by the Planning Commission at the time of site plan review.
 - b. Exterior fencing shall be architecturally designed brick or block fences, wrought iron fences, or structural sound wood fences, and/or additional landscape buffers, with the width and landscaping specifications as determined by the Planning Commission at the time of site plan review.

- c. Project entrance features as specified by "The Little Cottonwood Project Design and Development Standards."
- d. Suitable street lighting with coordinated light fixtures that are architecturally compatible with the development as contained in "The Little Cottonwood Project Design and Development Standards."
- e. Specific design with regard to project identity signage, street signs, home addressing, etc., as contained in "The Little Cottonwood Project Design and Development Standards."

(2) *For Apartment Developments.*

- a. A minimum of one parking stall per unit shall be covered or enclosed.
- b. Quality interior provisions including such amenities as fireplace, vaulted ceilings, and in-unit washer/dryer, as determined by the Planning Commission.
- c. The project shall be designed with significant recreation features such as a clubhouse, a swimming pool, and tennis courts.
- d. The project shall be designed with significant site amenities such as a water feature and extensive high-quality landscaping throughout the project.
- e. Pedestrian, bicycle and/or recreational trails shall be a part of any development.

(h) *Nonresidential Uses.* Nonresidential uses shall be subject to the requirements of Section 21-20-7.

(i) *Maintenance of Common Facilities.* Maintenance of common facilities shall be subject to the requirements listed in Section 21-20-7.

(j) *Planned Unit Development Review Process.* The review process for any development within this zoning subdistrict shall be as contained in Section 21-20-7.

(k) *Additional Requirements.* In order to further mitigate the impact of the PUD Subdistrict on the residential zone to the west, the following additional requirements shall apply to a tract approximately 100 feet in width extending south from the southern border of the Commercial Subdistrict for 750 feet:

- (1) *Average Density.* Construction within the tract shall not exceed an average of 12 units per acre.
- (2) *Height of Buildings.* No building within the tract shall exceed a height of two stories or 27 feet.
- (3) *Setbacks.* In no case shall the setback of any building within the tract be less than 30 feet from the adjoining residential zone. Furthermore, no parking areas shall be allowed in any setback within the tract abutting the adjoining residential zone.
- (4) *Minimum Dwelling Size.* The minimum dwelling size in the tract shall comply with the regular R-1-8 standard.

(5) *Enclosed Parking.* Each unit within the tract shall have access to an attached, enclosed garage. (LDC 2008, § 15A-19-06B; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-6C. SD R(4.25)—Single-Family Residential Subdistrict.

(a) *Purpose.* The purpose of the SD R(4.25) Single-Family Residential Subdistrict is to provide a residential area within the SD Magna/2000 East District which is compatible with the surrounding neighborhood. This subdistrict is characterized by medium sized, high-quality, single-family dwellings in a typical neighborhood setting, but on lots which are somewhat larger than those found in the adjacent neighborhood (see Exhibit "H" of "The Little Cottonwood Project Design and Development Standards").

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Dwelling, planned group.
- c. Dwelling, residential facility for elderly persons.
- d. Dwelling, residential facility for the handicapped.
- e. Model home.
- f. Public utility station.
- g. Recreation, outdoor.
- h. Religious, cultural activity.
- i. Home occupation, Category II.

(c) *Density Requirement.* The density of the development shall not exceed 4.25 dwelling units per acre (gross density).

(d) *Development Standards.*

(1) *Lot and Yard Requirements.*

- a. *Lot Size.* An area of not less than 8,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of the entire development shall not be less than 9,000 square feet.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 70 feet, measured 30 feet from the front property line, with a minimum average lot width of 75 feet for the entire development.

- c. *Front Yard Requirements.*
 - 1. All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. Garages, or the garage portion of the main structure, may extend to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
 - 2. On corner lots, the front setback shall be a minimum of 25 feet and 20 feet, respectively, regardless of which way the home faces.
 - d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet.
 - e. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line, or a 30 percent slope limitation.
 - f. *Accessory Buildings and Uses.* Regulated as per R-1-9 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,200 square feet. Two-story dwellings shall have a minimum size of 1,500 square feet. All dwellings shall be provided with at least a double space garage.
 - (3) *Height of Buildings.* No building shall be higher than 30 feet.
 - (4) *Pedestrian Access.* Pedestrian access to the adjacent open space area shall be provided through a minimum ten-foot-wide corridor between a street and the open space, at a location determined by the Planning Commission at the time of site plan approval.
- (LDC 2008, § 15A-19-06C; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-6D. SD R(3.75)—Single-Family Residential Subdistrict.

(a) *Purpose.* The purpose of the SD R(3.75) Single-family Residential Subdistrict is to provide a residential area within the SD Magna/2000 East District which is compatible with the surrounding neighborhood, but which provides an up-scale alternative to the single-family housing commonly found in the area. Generally, this subdistrict contains somewhat larger lot sizes than the surrounding neighborhood, and consists of large, high-quality, single-family dwellings in a mini-neighborhood setting with such features as limited access, and special landscape and streetscape treatments (see Exhibit "I" of "The Little Cottonwood Project Design and Development Standards").

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.

- d. Home occupation, Category I.
- (2) *Conditional Uses.*
- a. Dwelling, planned group.
 - b. Dwelling, residential facility for elderly persons.
 - c. Dwelling, residential facility for the handicapped.
 - d. Model home.
 - e. Public utility station.
 - f. Recreation, outdoor.
 - g. Religious, cultural activity.
 - h. Home occupation, Category II.
- (3) *Supplemental Uses.* All supplemental uses shall be subject to the provisions of this title, except that the square footage and location for extended living areas is amended as follows:
- a. The total square footage used as an extended living area may not exceed either 30 percent of the main dwelling's total floor area, or a total of 1,200 square feet.
 - b. The location of the extended living area may be in a building which is separate from the main dwelling. In such case, location requirements are the same as those for an accessory building.
- (c) *Density Requirement.* The density of the development shall not exceed 3.75 dwelling units per acre (gross density).
- (d) *Development Standards.*
- (1) *Lot and Yard Requirements.*
- a. *Lot Size.* An area of not less than 8,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of the entire development shall not be less than 10,000 square feet.
 - b. *Frontage.* The minimum width of any lot for a dwelling shall be 75 feet, measured 30 feet from the front property line.
 - c. *Front Yard Requirements.*
 - 1. All buildings shall be set back 25 feet from the front property line. Where lots front on cul-de-sacs, elbows, or for those lots which are located along the northern ridge line, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Garages, or the garage portion of the main structure, may extend to a setback line of 20 feet.
 - 2. On corner lots, the front setback shall be a minimum of 25 feet and 20 feet, respectively, regardless of which way the home faces.
 - d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a minimum distance of eight feet.

e. *Rear Yard Requirements.*

1. All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 25 feet, or on irregular lots, an average of 25 feet, provided that no portion of the building is closer than ten feet to the property line.
2. Location of a dwelling structure shall not be within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. See "The Little Cottonwood Design and Development Standards" for specifics of grading and slope treatments.

f. *Accessory Buildings and Uses.* Regulated as per R-1-12 standards.

- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
- (3) *Height of Buildings.* No building shall exceed a height of 35 feet.
- (4) *Special Design Standards.* All development within the SD R(3.75) Subdistrict shall follow "The Little Cottonwood Project Design and Development Standards," as adopted by Sandy City. (LDC 2008, § 15A-19-06D; Ord. No. 17-09, 3-9-2017)

Secs. 21-19-7—21-19-10. Reserved.

Sec. 21-19-11. SD(H)—Hospital—9400 S. 1300 E. and 1380 E. 9400 S.

(a) *Purpose.* The SD(H) Zone is established to provide an area for a hospital and related uses such as medical offices and other health service or related facilities.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Hospital.
- b. Medical and health services offices.
- c. Business and professional offices.
- d. Convalescent center.

(2) *Conditional Use.*

- a. Public Facilities.

(c) *Development Standards.* Planning Commission review is required according to standards outlined in the development review process and Special Development (SD) District. The following standards are to be considered as applying specifically to development in an SD(H) District, in addition to general standards provided in development, site and subdivision standards, and landscaping standards:

- (1) *Area Requirements.* One acre
- (2) *Frontage Requirements.* 100 feet.

- (3) *Building Height Requirements.* Not to exceed 100 feet for the main hospital building, and not to exceed 35 feet for any other building, except that any other building may exceed a height of 35 feet but no more than 100 feet, when it can be found by the Planning Commission that the additional height is not obtrusive to surrounding areas.
- (4) *Sign Standards.* All signs shall comply with Chapter 21-26.
- (5) *Parking Standards.* Parking shall comply with off-street parking standards contained in this title. (LDC 2008, § 15A-19-07)

Sec. 21-19-12. SD(R-1-8)—11800 S. 1000 E.

(a) *Purpose.* The intent in establishing the SD (R-1-8) Zone is to provide a residential environment within the City which is characterized by uncrowded buildings, well-kept lawns, trees and other landscaping, a minimum of vehicular and pedestrian traffic and quiet residential conditions favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Churches.
- c. Fences, walls and hedges as specified in the R-1-8 Zone.
- d. Parks.
- e. Playgrounds.
- f. Single-family dwellings and accessory buildings.
- g. Schools.
- h. Other community facilities in harmony with the intent of the R-1-8 Zone.
- i. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Dwelling, residential facility for elderly persons.
- b. Dwelling, residential facility for the handicapped.
- c. Home occupation, Category II.

(c) *Development Standards.*

- (1) *Area Requirements.* A lot of not less than 8,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. The 22 lots along the eastern edge of this property shall have a 10,000 square foot minimum.
- (2) *Frontage Requirements.* The minimum width of any building lot for a dwelling shall be 75 feet measured at a distance of 30 feet back from the front lot line.

- (3) *Building Height Requirements.* No building shall be erected to a height greater than 35 feet, and no building shall be erected to a height less than ten feet or one story above grade. Where the ground level or top of the building is uneven or varies in height, average elevation thereof shall apply.
 - (4) *Side Setback Requirements.* All dwellings and other main buildings shall be set back from the side property line a distance of at least eight feet.
 - (5) *Rear Setback Requirements.* All dwellings and other main buildings shall be set back from the rear property line at least 20 feet on interior lots, and 15 on corner lots. On irregular lots, the minimum setback can be an average, provided that no portion of the building is closer than ten feet to the property line.
 - (6) *Size of Building.* All dwellings shall comprise at least 1,200 square feet of gross livable area and must provide a minimum double space garage. Two-story and bi-level structures shall have a minimum of 1,500 square feet on the main level, and provide a minimum double space garage.
 - (7) *Other Requirements.*
 - a. All dwellings shall have 55 percent brick on the front side of the structures.
 - b. There shall be a minimum of ten different house plans used in this development.
- (LDC 2008, § 15A-19-08)

Sec. 21-19-13. Residential District SD(R-1-10) (HEGESSEY)—9200 S. 2750 E.

(a) *Purpose.* The Residential SD(R-1-10) District is established to provide a residential environment within Sandy City that is characterized by low densities, large homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (not including the keeping of farm animals).
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Bed and breakfast facility.
- c. Cemetery, columbarium, crematory, mausoleum.
- d. Day care, group.
- e. Dwelling, earth-sheltered.
- f. Dwelling, group planned.
- g. Dwelling, residential facility for elderly persons.

- h. Dwelling, residential facility for the handicapped.
- i. Model home.
- j. Planned unit development.
- k. Public service.
- l. Public utility station.
- m. Recreation, outdoor.
- n. Religious, cultural activity.
- o. School, private or quasi-public.
- p. School, public.
- q. Building lots that do not have frontage on a public street.
- r. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Lot Size.* An area of not less than 9,000 square feet shall be provided and maintained for each dwelling, with average lot size being at least 10,500 square feet, and uses accessory thereto.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 80 feet, measured 30 feet back from the front property line.
- c. *Front Yard Requirements.* All building shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. Garages and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
- d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet and the total distance of the two side setbacks shall be at least 18 feet.
- e. *Rear Yard Requirements.*
 - 1. All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line.
 - 2. For platted lots located directly adjacent to the Deer Creek Underground Aqueduct, the rear yard setback shall be at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property

line. Prior to the issuance of any building permit for a single-family dwelling upon these properties, a vinyl fence shall be installed along the rear property line. No encroachment of any kind into the viaduct property shall be permitted.

- f. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
- g. *Accessory Buildings and Uses.* Regulated as per R-1-10 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of at least 1,300 square feet for ramblers and 1,625 square feet for two-story. All dwellings shall be provided with a double or triple car garage.
- (3) *Height of Buildings.* All buildings in an SD(R-1-10) District shall be no higher than 30 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
- (4) *Planned Unit Developments (PUDs).* PUDs in an SD(R-1-10) District may be allowed up to a maximum of four dwelling units per gross acre.
- (5) *R.V. Parking.* R.V.s shall not be allowed in side yard setbacks of less than ten feet.
- (6) *Front Yard Landscaping.* Homeowners shall complete front yard landscaping within one year of final occupancy.
- (7) *Hillside Dedication.* Designated hillside areas shall be dedicated to the City for continuation of the linear hillside park and associated trail system.
(LDC 2008, § 15A-19-09; Ord. No. 12-14, 5-15-2012)

Sec. 21-19-14. SD(Harada)—7575 S. Union Park Avenue.

(a) *Purpose.* The purpose of this zone is to provide an area of professional and business offices, non-retail services, restaurants, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments shall have architecture that is compatible with residential uses. All site plans for proposed development shall be reviewed and approved by the Planning Commission.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Accessory uses associated with an approved use.
- b. Business and financial services.
- c. Medical and health care services.
- d. Mixed use development.
- e. Mortuary, funeral home.
- f. Research park.

(2) *Conditional Uses.*

- a. Alcoholic beverage package agency.

- b. Alcoholic beverage on-premises recreational beer retailer license.
- c. Alcoholic beverage reception center license.
- d. Alcoholic beverage, restaurant, beer-only license.*
- e. Alcoholic beverage, restaurant, full service license.*
- f. Alcoholic beverage, restaurant, limited service license.*
- g. Assisted living facility, both limited and large capacity.
- h. Bed and breakfast facility.
- i. Compatible, low traffic generating retail uses, as determined by the planning commission.
- j. Day care, group.
- k. Hotel/motel.
- l. Nursing home.
- m. Plant nursery.
- n. Public service.
- o. Public utility station.
- p. Recreation, indoor.
- q. Residential facility for elderly.
- r. Residential facility for handicapped.
- s. Restaurant, drive-up window (east of Union Park Avenue only).
- t. Restaurant (sit-down only).
- u. Retirement home.
- v. School, commercial.
- w. School, private or quasi-public.
- x. Social or reception center.

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
- (2) Lighting of the building at the entrance.
- (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(c) *Development Standards.* Planning Commission review is required according to standards outlined in Chapter 21-32. The following standards are to be considered as applying specifically to development in this zone, in addition to general standards provided in Chapter 21-23:

- (1) *Building Height.* Buildings shall be erected to a height no greater than 35 feet from average grade, except for the following: With the anticipated uses of this property, structures oriented towards Union Park Avenue may exceed 35 feet in height, as may be approved by the Planning Commission.
- (2) *Setback requirements.* All buildings shall be set back at least 30 feet from all property lines, except that the Planning Commission may allow 20-foot setbacks along Union Park Drive where there is landscaping between the structure and the street. Uses may be developed conjointly at the side yards with shared party walls. If buildings are not joined, there shall be at least a ten-foot setback from each side and a 30-foot rear setback. Side yards and rear yards shall be developed and landscaped as described in Chapter 21-25.
- (3) *Architecture and Signs.* Development shall have an overall architectural and signage theme, and shall be so designed to enhance residential compatibility.
- (4) *Landscaping.* Development shall be appropriately landscaped with ground covers, trees, and shrubs, with special attention given to the preservation of existing vegetation and hillside areas. Landscape berms and heavy tree cover is encouraged, particularly as a replacement for fences and walls.
- (5) *Access.* Development shall have appropriate access based upon the type of uses approved, as may be recommended and approved by the Traffic Engineer and Planning Commission. Mixing of traffic with the adjacent neighborhood should be controlled through the use of limited secondary access or emergency access.
- (6) *Site Plan Review.* All site plans shall be reviewed by the Planning Commission. In addition to the typical site plan submittals, the following shall also be submitted for review by the Commission: Traffic Study and a market analysis based upon the type of land uses proposed, overall Grading Plan, and overall Landscape Plan with particular attention given to the "backside" slope of the development and along the residential interface.

(LDC 2008, § 15A-19-10; Ord. No. 10-22, 7-12-2010; Ord. No. 15-03, 1-22-2015; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-15. SD (1300 East PO)—9050 S. 1300 E.

(a) *Purpose.* The SD (1300 East PO) Zone is established to provide an area for professional and business offices with limited height and other development standards compatible with those of contiguous properties. Developments adjacent to residential areas shall have a residential look to enhance compatibility.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Residential facility for elderly persons.

- b. Residential facility for the handicapped.
- (2) *Conditional Uses.*
- a. Art gallery.
 - b. Artist's studio.
 - c. Bed and breakfast facility.
 - d. Business and financial services.
 - e. Day care, group.
 - f. Medical and health care offices.
 - g. Mortuary, funeral home.
 - h. Nursing care facility.
 - i. Plant nursery.
 - j. Public utility station.
 - k. Religious or cultural activity.
 - l. Sculpture park.

(c) *Development Standards.* The following standards are to be considered as applying specifically to development in the SD (1300 East PO) Zone, in addition to general standards provided in Chapter 21-23. Where conflict may be found to exist, the provisions of this zone district shall prevail.

- (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD (1300 East PO) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32. A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.
- (2) *Building Setbacks.*
- a. *Front Yard.* All buildings shall be set back at least 30 feet from all front property lines.
 - b. *Side Yard.*
 - 1. There shall be at least a ten-foot setback from each side property line.
 - 2. Where nonresidential uses abut residential uses outside this zoning district, nonresidential buildings shall be set back at least 30 feet from the property line and the side yard shall be developed and landscaped as described in Chapter 21-23.
 - c. *Rear Yard.*
 - 1. *Rear Setback.* There shall be at least a 30-foot rear setback.
 - 2. *Nonresidential setbacks.* Where nonresidential uses abut residential uses outside this zoning district, nonresidential buildings shall be set back at least 30 feet from the property line and the rear yard shall be developed and landscaped as described in Chapter 21-23.
 - 3. *Building Height.* Buildings that abut nonresidential uses shall be erected to a height no greater than two stories. Buildings that abut residential uses outside this zoning

district shall be erected to a height no greater than one story. In no case shall a single-story building height exceed 21 feet, nor a two-story building exceed 30 feet, measured from grade to the peak of the roof. Buildings may be required to be different heights to enhance visual quality and to increase residential compatibility.

4. *Landscaping.* All developments shall follow the landscape requirements of Chapter 21-25 standards, except that a minimum of 15 feet of landscaping shall be placed between parking areas and side and rear property lines, and minimum setback areas between buildings and side and rear property lines shall also be landscaped.
5. *Lighting.* Reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, provided they are equipped with proper devices concentrating the illumination upon the above, and preventing any bright, direct illumination upon adjacent property or any public right-of-way.
6. *Residential Compatibility.* Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood. Building materials shall be reviewed for compatibility with adjoining residential properties, and shall include extensive building elevations of brick or stone.

(d) *Extended Hours.* Any nonresidential use within 100 feet of a residential use where such use desires to operate after 8:00 p.m. and before 7:00 a.m. of the following day shall require a separate conditional use permit for extended hours.

(LDC 2008, § 15A-19-11)

Sec. 21-19-16. SD (JHS)(MILLER)—Historic Jordan High School District—9400 South State Street.

(a) *Purpose.* The SD(JHS)(MILLER) Historic Jordan High School District is established to stimulate economic development by allowing for a diversity of land uses that are accessible to regional transportation facilities and developed within a planned commercial center. This district is intended to stimulate creative development and site design for highway commercial uses.

(b) *Substantial Construction.* In the event that no substantial construction of the planned commercial center is underway after two years from the date of approval of the SD(JHS)(MILLER) District designation, the Community Development Director may recommend to the Planning Commission that the designation revert to the previous zone designation.

(c) *Uses Allowed.*

- (1) A planned commercial center is allowed as a conditional use, and all uses in the SD(JHS)(MILLER) Zone are conditional uses. Upon completion of conditional use permit review, the Planning Commission may also approve a list of businesses consistent with the land uses listed within this section. This list of businesses will not require further review by the Planning Commission, but must comply with the original terms of the planned commercial center conditional use permit.
- (2) Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development on adjoining proper-

ties, determined through consultation with adjoining property owners. The intent of the above is to effectuate the end result of an overall planned development with appropriate cross-easements, consistent site standards, etc., even though properties may be individually owned.

- (3) For those land uses not listed, the use shall not be permitted.
 - a. *Land Use Category.*
 1. Alcoholic beverage restaurant beer-only license.*
 2. Alcoholic beverage restaurant, limited service license.*
 3. Alcoholic beverage restaurant, full service license.*
 4. Alcoholic beverage club (dining) liquor license.*
 5. Alcoholic beverage on-premises recreational beer retailer license.
 6. Alcoholic beverage reception center license.
 7. Arcade entertainment.
 8. Business or financial services.
 9. Commercial retail sales and services.
 10. Commercial, parking garage.
 11. Day care, group.
 12. Medical and health care offices.
 13. Mixed use, residential and office use.
 14. Mixed use commercial/residential development.
 15. Motel, hotel.
 16. Park and ride facilities.
 17. Public service.
 18. Recreation center.
 19. Recreation, indoor.
 20. Recreation, outdoor.
 21. Research park.
 22. Restaurant.
 23. Religious or cultural activity.
 24. School, commercial.
 25. School, commercial (low-impact).
 26. School, private or quasi-public.
 27. Social or reception center.
 28. Street vendors.
 29. Theater.

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
- (2) Lighting of the building at the entrance.
- (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(d) *Development Standards.* The following standards are to be considered as applying specifically to development in the SD(JHS)(MILLER) District, in addition to general standards provided in Chapter 21-23.

- (1) *Planned Commercial Centers.* Regardless of the size and ownership of individual parcels, a planned commercial center master development site plan must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining owners.
 - a. The intent of the above is to achieve a consistent overall planned development with consistent site standards when the project area is completely built out. Standards that will be applied to planned commercial centers are located in Chapter 21-23, except as amended in this section.
 - b. Expansion of existing shopping center projects not previously having a planned commercial center approval shall require Planning Commission approval at the time of expansion, unless it is determined unnecessary through consultation with the Community Development Director and the Planning Commission.
 - c. Remnant parcels left from old developments or rebuilds of existing parcels or pads within existing center developments are required to make reasonable compliance with planned commercial center standards through consultation with the Community Development Director and the Planning Commission.
- (2) *Lot Size.* Lots shall be of sufficient size to assure compliance with all building setbacks and off-street parking requirements.
- (3) *Building Setbacks.*
 - a. *Front Yard.* All buildings shall be set back an average of 30 feet from State Street. Buildings located within 150 feet from the corner of State Street and 9400 South Street, as measured along the frontage of each street, shall be set back a minimum of 50 feet from the front property line.
 - b. *Side Yard.* Uses may be developed conjointly at the side yards with shared party walls.
 1. If buildings are not joined, there shall be at least a ten-foot setback from each side property line, and side yards shall be properly developed, as specified in Chapter 21-23.
 2. Buildings, including parking structures, shall be set back a minimum of 20 feet from the property line along 9400 South, 8370 South and 150 East.

- c. *Rear Yard.*
 - 1. All buildings shall be set back at least 20 feet from rear property lines.
 - 2. Where buildings or uses abut a residential district (excepting recognizable holding zones for future commercial development), buildings shall be set back at least 30 feet from the property line, and the rear yard shall be developed and landscaped as established in Chapter 21-23.
- (4) *Building Height.*
 - a. Buildings may be built to a maximum height of ten stories, except within 250 feet of an R-1 Residential District, where the maximum height shall be 65 feet.
- (5) *Green Space.* The Overall Development shall incorporate a minimum of 22 percent coverage of greenspace, which is green landscaping, trees, shrubs, fountains, brick pavers, etc.
- (6) *Traffic Study.* The developer shall be required to complete a Comprehensive Traffic Study prior to site plan review.
- (7) *Parking Structures.* While not required, it is strongly encouraged to incorporate parking structure within the overall development plan.
- (8) *Building Material.* All building exteriors shall be constructed of brick or similar material. All building materials shall be of the highest commercial quality.
- (9) *Residential Boundary Buffer.* There shall be installed an appropriate buffer, including landscaping, between the commercial development and all residential district boundaries. Said buffering design and materials shall be determined by the Planning Commission during site plan review. (LDC 2008, § 15A-19-12; Ord. No. 12-24, 6-18-2012; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-17. SD(MDM)—Medical Device Manufacturing District—9450 South State Street.

(a) *Purpose.* The SD(MDM) Medical Device Manufacturing District is established to provide an area approved for professional and business offices, research and development, and medical device manufacturing.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Industry, medium (limited to medical device and product manufacturing).
- b. Professional offices.
- c. Research and development.
- d. Ancillary uses associated with the permitted uses (e.g., equipment and vehicle storage, parking structure/terrace, warehousing and distribution).

(2) *Conditional Uses.*

- a. Public utility station.

(c) *Development Standards.* To ensure neighborhood compatibility, all developments shall be approved by the Planning Commission as a part of site plan review.

- (1) *Building Height.* Professional office buildings shall be no taller than 150 feet in height along State Street or 9400 South and be limited to 65 feet in height within 150 feet of a residential district. Other buildings on the property shall be no taller than 65 feet. Parking structures are limited to four levels, unless screened from public view.
- (2) *Setback Requirements.* All buildings shall be set back at least 30 feet from residential property lines, at least 20 feet from public rights-of-way, and at least ten feet from all other exterior property lines. Parking structures shall be located at least 100 feet from residential property and arterial streets, and at least ten feet from all other exterior property lines. Setbacks for a public utility station will be as determined by the Planning Commission.
- (3) *Signs.* Signs will be in compliance with Chapter 21-26.
- (4) *Hours of Operation.* Operations at the property may be conducted 24/7, including shipments and deliveries.
- (5) *Landscaping.* Development shall be appropriately landscaped with ground cover, trees, and shrubs. A minimum of 15 feet of landscaping is required along public streets and at least ten feet of landscaping where the property abuts residential properties. At least five percent of the parking lot areas will be landscaped.
- (6) *Development Master Plan.* The Planning Commission shall review and approve a Development Master Plan, with phasing, prior to approval of a site plan.
- (7) *Parking.* The number of parking spaces at the property may be determined by the City Planning Commission based on a parking demand study.
- (8) *Shipping and Receiving.* The property must be able to accommodate at least 35 truck trips per any 24-hour period.
- (9) *General Development Standards.* All general development standards found within this title (Chapters 23 through 25) shall be complied with unless otherwise regulated in this SD District.

(d) *Reversion.* If BD Medical vacates the property, or if there is a significant change in the use of the land, the zoning classification may be reverted to the previous classification or that of an abutting district after consideration by the City Council.

(Ord. No. 18-16, § 1, 6-28-2018)

Sec. 21-19-18. SD-CC—Timberline—9400 S. 900 E.

(a) *Purpose.* The SD-CC Timberline District allows for retail businesses and related uses to be grouped together into a well-planned and -designed community commercial center. The Community Center District is available to commercial developments of a scale and location to serve an area of one or more of Sandy planning communities and/or areas that may extend beyond Sandy City.

(b) *Prerequisites for District Designation.* For a parcel to qualify for CC District designation, it shall comply with the following:

- (1) A parcel shall be at least 20 acres in land area. Parcels may be added to an existing CC District. Development in an added parcel shall be planned to become integrated with the existing community center, and to comply with all applicable development standards.
- (2) A CC District shall be located on an arterial or major collector street, preferably at an intersection of such streets.
- (3) An applicant for CC District designation shall have completed the pre-application conference for site plan review.
- (4) An applicant for CC District or substantial expansion of an existing CC District shall submit to the Director of Community Development a fiscal impact analysis of the proposed center. The analysis shall be prepared by a person or organization that is professionally qualified to perform fiscal impact analysis.
- (5) In the event that no substantial construction of the community center is underway after one year from the date of approval of the CC District designation, the Community Development Director may recommend to the City Council that the designation revert to the previous zone designation. In the event that the CC designation is the initial zoning, the parcel shall be merged with an abutting district.

(c) *Uses Allowed.* A commercial center, community is allowed as a conditional use upon completion of site plan review and issuance of the conditional use permit.

(1) *Permitted Uses.*

- a. Alcoholic beverage off-premises retailer license.
- b. Alcoholic beverage on-premises recreational beer retailer.
- c. Alcoholic beverage restaurant beer-only license.*
- d. Alcoholic beverage restaurant, full service license.*
- e. Alcoholic beverage restaurant, limited service license.*
- f. Animal kennel, veterinary offices.
- g. Arcade.
- h. Athletic, tennis, or health club.
- i. Automotive self-service station.
- j. Automotive service station.
- k. Business or financial services.
- l. Commercial retail sales and services.
- m. Commercial school.
- n. Medical and health care offices.
- o. Public service.

- p. Recreation center.
- q. Recreation, indoor.
- r. Religious or cultural activity.
- s. Restaurant.
- t. Restaurant, drive-in.
- u. Theater, concert hall.

(2) *Conditional Uses.*

- a. Alcoholic beverage single event permit.
- b. Alcoholic beverage temporary beer event permit.
- c. Any permitted use that is not integrated with the planned center or which occupies a separate lot or its own street frontage.
- d. Commercial parking garage.
- e. Industry, light.
- f. Motel/hotel.

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
- (2) Lighting of the building at the entrance.
- (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(d) *Development Standards.* Developments in a CC District shall comply with the requirements set forth in Chapter 21-23 with the following exceptions:

- (1) *Building Height.* No building shall exceed the height of a plane intersecting a line 35 feet above the finished grade of any property line at the normal 30-foot building setback line perpendicular from said boundary and rising at not more than a 50 percent slope above the horizontal plane from said line. The maximum height shall not exceed 45 feet.

(LDC 2008, § 15A-19-14; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-19. SD-R-1-10—Thomas—2760 E. 9725 S.

(a) *Purpose.* The Residential (SD R-1-10) District is established to provide a residential environment within Sandy City that is characterized by moderate densities, moderately large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.

- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
- c. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).

- d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 20 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 20 feet (between dwelling structures).
 - e. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 20 feet, or on irregular lots, an average of 20 feet, provided that no portion of the building is closer than ten feet to the property line.
 - f. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
 - g. *Accessory Buildings and Uses.* Regulated as per for R-1-10 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of the minimum square footage indicted in R-1-10 Standards. All dwellings shall provide at least a double space garage.
 - (3) *Height of Buildings.* All buildings in an R-1-10 District shall be no higher than 35 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
 - (4) *Planned Unit Developments (PUDs).* PUDs in an R-1-10 District shall be allowed a maximum of four dwelling units per gross acre.
- (LDC 2008, § 15A-19-16; Ord. No. 12-14, 5-15-2012; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-20. SD(Carnation)—10600 S. 1000 E.

(a) *Purpose.* The SD(Carnation) Zone is established to provide an area for convenience commercial retail services and professional and business offices with development standards compatible with those of contiguous properties.

(b) *Uses Allowed.*

- (1) *Permitted and Conditional Uses.* Permitted or Conditional Uses shall follow the use list for the CvC Zone, as listed in Section 21-8-2, with the following exceptions:
 - a. All alcoholic beverage related land uses shall be not permitted within this district with the exception of alcoholic beverage off-premises beer retailer licenses.
 - b. All automotive-related land uses, including repair, oil change, gasoline dispensing, rental and other service activities, shall be not permitted within this district.

(c) *Development Standards.* The following standards shall apply specifically to development in the SD(Carnation) Zone. Where a specific standard is not mentioned, the development requirements of the CvC Zone District shall apply, in addition to general standards provided in Chapter 21-23. Where conflict may be found to exist, the provisions of this zone district shall prevail.

- (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD(Carnation) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32. A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.

(2) *Building Setbacks.*

- a. *From all Streets.* All buildings shall be set back at least 30 feet from the 10600 South Street right-of-way line. All buildings shall be set back at least 15 feet from the 1000 East realignment right-of-way line.
- b. *Interior Yard.* There shall be at least a ten-foot setback from each interior property line.

(3) *Landscaping.* The minimum depth of landscaping along the 10600 South street frontage and adjacent to all drive access points for the Dimple Dell Recreation Center Drive access roads shall be ten feet. Landscaping along the 1000 East Realignment shall be at least 15 feet.

(LDC 2008, § 15A-19-17; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-21. Special District Mixed Use—SD-X—Ski Connect—9200 S. 1000 E.

(a) *Purpose.* The purpose of the Special District Mixed Use SD-X Ski Connect is to provide for master-planned mixed use development to act as a cohesive development combining retail, commercial, higher density residential, office and public uses as specified below, under a Master Plan and standards which encourage integration of uses and appropriate transition to abutting zones.

(b) *Master Development Plan (MDP).* Development of any uses must be proceeded by an MDP which shows the following:

- (1) A reasonable modification of terrain from that required for mining uses to grades appropriate to other uses permitted within the SD-X Zone. Such plan should include an overall site and elevation analysis, grading profiles, revegetation plans, and an analysis of buffering necessary to appropriately transition between the property and neighboring residential areas.
- (2) Proposed land uses, residential densities, locations of open space, their acreage and integrations, and internal traffic circulation. Circulation plans shall include combined access points and shared easements between properties.
- (3) A general landscaping theme including common roadway berming and other landscaping integrations.
- (4) Pedestrian Access and Trails Plan, as outlined in Subsection (d)(6) of this section.
- (5) The Master Plan shall also include a conceptual layout showing the mix of office, retail commercial and residential uses proposed to be included on the site.

Any such plan must be approved by the Planning Commission prior to development.

(c) *Uses Allowed.*

- (1) *Matrix Explanation.* The matrix below lists all permitted uses within the SD(X) Zone. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

Land Uses in SD(X) Zone

Accessory apartments	N
Accessory structure (unless otherwise specified)	C
Agriculture	N
Alcohol or tobacco specialty store	N
Alcoholic beverage club (dining) liquor license*	N
Alcoholic beverage club (equity) liquor license*	N
Alcoholic beverage club (fraternal) liquor license*	N
Alcoholic beverage club (social) liquor license*	N
Alcoholic beverage hotel license	N
Alcoholic beverage manufacturing license	N
Alcoholic beverage off-premises retailer license	P
Alcoholic beverage on-premises banquet and catering license	N
Alcoholic beverage on-premises beer tavern license	N
Alcoholic beverage on-premises recreational beer retailer license	C
Alcoholic beverage package agency	N
Alcoholic beverage reception center license	C
Alcoholic beverage resort license	N
Alcoholic beverage, restaurant, beer-only license*	P
Alcoholic beverage, restaurant, full service license*	P
Alcoholic beverage, restaurant, limited service license*	P
Alcoholic beverage single event permits	C
Alcoholic beverage state liquor store	N
Alcoholic beverage temporary beer event permits	C
All-terrain vehicles (ATV) sales and service	C
Alzheimer's facility	C
Ambulatory surgical facility	P
Ancillary commercial as part of a mixed use building	C
Animal hospital, veterinary office	P
Animal kennel, commercial	N
Animals (household pets or farm)	S
Aquarium	C
Arcade	P
Art gallery	P
Assisted living facility—large capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	C
Assisted living facility—limited capacity (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	C
Auto, light trucks, RV dealerships (new)—sale and services agencies	N
Auto, light trucks, RV dealerships (used)—sale and services agencies	N
Auto, light truck, RV, rental and leasing agencies	C
Automotive self-service station	C
Automotive service and repair—major	N
Automotive service and repair—minor	C
Automotive service station	C
Automotive service station, non-mechanical	C

LAND DEVELOPMENT CODE

§ 21-19-21

Auto, truck, RV, equipment storage	N
Bed and breakfast facility	N
Birthing center	N
Boarding house	N
Botanical gardens	P
Business or financial services	P
Car wash	C
Cemetery, columbarium, mausoleum	N
Commercial, heavy	N
Commercial, parking	P
Commercial repair services	P
Commercial retail sales and services	P
Commercial, specialty	P
Commercial uses of a complementary nature which are shown to be compatible and necessary for the development project	P
Community center	C
Community correctional facility	N
Comprehensive mental health treatment	C
Congregate care facility	N
Correctional facility	N
Crematory, embalming facility	N
Dance hall	N
Day care, adult	C
Day care, child	C
Day care, elderly	C
Day care, group	C
Drive-up window (non-food), banks, ATMs, dry cleaners, pharmacy, etc.	C
Dwelling, duplex	C
Dwelling, earth-sheltered	N
Dwelling, group planned	C
Dwelling, multiple unit	C
Dwelling, single-family	P
Earth station	C
Educational facility with housing	N
Equestrian facilities	N
Equipment sales and services	N
Extended living areas	N
Fraternity or sorority house	N
Garage sales (residential)	S
Guest house	N
Half-pipe ramps	N
Home health agency	C
Homeless shelter	N
Home occupation, Category I	P
Home occupation, Category II	C
Hospice	P

Hospital	N
Hotel	C
Industry, light	N
Industry, medium	N
Jail	N
Juvenile detention facility	N
Juvenile secure facility	N
Library	C
Manufactured homes	N
Manufactured/mobile home park	N
Medical and health care offices	P
Mixed use development	C
Mobile homes	N
Model home	C
Modular home	N
Mortuary, funeral home	N
Motel	C
Multifamily, 8 U/A	C
Non-depository institution	N
Nursing care facility	N
Nursing home, convalescent home, and rest home (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	C
Park and ride facilities	P
Parking, structure/terrace	P
Parking, underground	P
Parks, public and private	C
Pawnshop	N
Permanent make-up	C
Planned unit development	C
Plant nursery	C
Prison	N
Professional office	P
Protective housing facility	N
Public service	C
Public utility station	C
Recreation center	C
Recreation, indoor	P
Recreation, outdoor	C
Recyclable materials collection/drop-off facility	N
Rehabilitation/treatment facility	N
Religious or cultural activity	C
Research and development facility	C
Residential facility for elderly persons (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	C
Residential facility for persons with a disability (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	C
Residential health care facility, residential care facility	C

Residential lease, short-term	N
Restaurant	P
Restaurant, drive-up window	C
Satellite dish (ground or roof mount)	S
School, charter	P
School, commercial	C
School, commercial (low-impact)	P
School, private or quasi-public	C
School, public	C
Secondhand merchandise dealer (only allowed as an ancillary use with a fine jewelry store, non-depository institutions, or a pawnshop)	P
Sexually oriented business (escort agencies, outcall service agencies and semi-nude dancing agencies)	N
Sheltered workshop	P
Skatepark	N
Small health care facility	P/C
Social detoxification facility	N
Social or reception center, fraternal organizations	C
Solar equipment	S
Solid waste conversion facility	N
Stadium	N
Storage (mini-storage) facilities	N
Street vendors	N
Tattoo parlor	N
Theater	C
Trade or vocational school	P
Transitional care development	N
Transitional Housing Facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N
Twin home	C
Warehouse, wholesale	N
Waste transfer station	N
Wind energy conversion system	S
Wireless telecommunication	S
Zero lot line development	C
Zoological gardens	N

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
- (2) Lighting of the building at the entrance.
- (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(d) *Development Standards.* All uses must be developed according to the following standards:

- (1) *Lot size.* No minimum is specified; however, lots shall be of sufficient size to ensure compliance with all building setback and off-street parking requirements as determined appropriate by the design of the project and approved by the Planning Commission.

- (2) *Building Setback.* All buildings shall be set back at least ten feet from a public right-of-way or private road. Uses may be developed conjointly at the side yards with shared party walls. If buildings are not joined, there shall be at least a ten-foot setback from each side property line, and side yards shall be properly developed, as specified by Chapter 21-25. Where nonresidential buildings or uses abut residential districts of uses, buildings shall be set back at least 30 feet from the property line, and the side yard shall be developed and landscaped as established in Chapter 21-25.
- (3) *Building Height.* No building shall exceed a height of 45 feet from finished grade to the peak of the roof line. An additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 55 feet.
- (4) *Residential Uses.* Residential uses shall be developed in accordance with either the PUD standards, the multifamily standards, or other residential standards in this title. Overall residential density shall not exceed 20 units per acre; however, dedicated green space and open space can be utilized in calculation of overall residential density.
- (5) *Sign Regulations.* All signage shall conform to the sign regulations as outlined in the sign regulations of this title.
- (6) *Master Plan.* Regardless of the size and ownership of individual parcels, a Pedestrian Access and Trails Plan ("PATP") for the overall development must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show pedestrian access and trails in all phases of the development (including any phasing plans) and both existing and future access to development on adjoining properties, determined through consultation with City staff and adjoining property owners.
- (7) *Large Retail Uses.* Large retail uses (big boxes) shall be limited to no more than two on the overall site unless otherwise approved by the Planning Commission.
- (8) *Pedestrian Access.*
 - a. All buildings within the development shall be designed to be pedestrian-friendly by way of connecting walkways.
 - b. Sites shall be designed to allow for safe pedestrian access from parking areas to the building, from building to building, from the building to adjacent developments and from buildings to the public sidewalk to minimize the need to walk within the parking lot among cars.
 - c. Pedestrian access may be accomplished with raised planters and sidewalks with the planters being at least five feet in width and the sidewalk being at least six feet in width. At least one sidewalk/planter connection between the building and perimeter street is required.
 - d. Pedestrian connections shall also be made, when feasible, between developments, between buildings within a development, to any streets adjacent to the property and to any pedestrian facilities that connect with the property.
 - e. Walkways and connections to trail systems shall be incorporated into the project.

- f. Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity.
- g. Extensive use of crosswalks shall be incorporated within the project, at intersections, mid-blocks, within parking lots, or other needed pedestrian connections. Crosswalks shall be configured to be a design feature of the development (i.e., heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use). Bulb-outs and other pedestrian designs shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and act as a refuge for crossing pedestrians.

(9) *Parking.*

- a. Developments will not be allowed to be over-parked without justification and approval from the Planning Commission. Developments are encouraged to provide employees with access to multi-modal transit systems (i.e., eco passes, etc., for bus and light rail) in order to decrease the need for parking and transit trips to the development site.
- b. Developments may also be under-parked if justified with a walkable design that demonstrates such.
- c. The use of shared parking with adjacent sites is encouraged according to the shared parking provisions of Chapter 21-24 in order to reduce unnecessary parking areas and to encourage pedestrian activity.

(10) *Traffic Impact Mitigation.* As each phase of the development is submitted for site plan review, the Traffic Impact Study shall be updated, based upon the actual uses proposed and in accordance with the recommendations of the Sandy City Transportation Engineer.

(11) *General Standards.*

- a. The development standards of Chapter 21-23 shall also apply to this zone.
- b. The Sandy City Architectural Design Standards shall be applied to the design of this development.

(LDC 2008, § 15A-19-18; Ord. No. 10-26, 7-30-2010; Ord. No. 14-01, 3-6-2014; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-22. S.D.(R2.0) Residential District (Sunset Ridge Subdivision, Sodorborg, and Andrus Properties—3000 E. 9200 S.).

(a) *Purpose.* The S.D.(R2.0) Residential District is established to provide a residential environment within Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. Agriculture (which does not include the keeping of farm animals) is allowed; special provisions are included for the allowance of farm animals on an individual district basis by consent of property owners.

(b) *Uses Allowed.*(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home Occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Home Occupation, Category II.

(c) *Development Standards.*(1) *Lot and Yard Regulations.*

- a. *Density Requirement.* Developments shall not have greater than two dwelling units per gross acre.
- b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of any development shall not be less than 15,000 square feet.
- c. *Frontage.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
- d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front dwelling is closer than 20 feet from the

front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).

- e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 18 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 18 feet (between dwelling structures).
 - f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.
 - g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
 - h. *Accessory Buildings and Uses.* Regulated as per for R-1-20 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
 - (3) *Height of Buildings.* Same as R-1-10 Zone
 - (4) *Planned Unit Developments (PUDs).* PUDs in an S.D. (R2.0) Residential District shall be allowed a maximum of 2½ dwelling units per gross acre. Refer to Section 21-20-7 for development standards.
- (LDC 2008, § 15A-19-19)

Sec. 21-19-23. S.D.(R2.3) Residential District (Granite Farm Property—3100 E. 9500 S.).

(a) *Purpose.* The S.D.(R2.3) Residential District is established to provide a residential environment within Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. Agriculture (which does not include the keeping of farm animals) is allowed; special provisions are included for the allowance of farm animals on an individual district basis by consent of property owners.

(b) *Uses Allowed.*

- (1) *Permitted Uses.*
 - a. Agriculture.
 - b. Dwelling, single-family.
 - c. Home occupation.
 - d. Home Occupation, Category I.
- (2) *Conditional Uses.*
 - a. Accessory apartments.

- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.
- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Home Occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Density Requirement.* Developments shall not have greater than 2.3 dwelling units per gross acre.
- b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, average lot size of any development shall not be less than 15,000 square feet.
- c. *Frontage.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
- d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. Garage and carports, or the garage portion where the garage is part of the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
- e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 18 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 18 feet (between dwelling structures).

- f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.
 - g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
 - h. *Accessory Buildings and Uses.* Regulated as per for R-1-15 standards.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
 - (3) *Height of Buildings.* Same as R-1-10 Zone.
 - (4) *Planned Unit Developments (PUDs).* PUDs in an S.D.(R2.3) Residential District shall be allowed a maximum of 2½ dwelling units per gross acre. Refer to Section 21-20-7.
(LDC 2008, § 15A-19-20)

Sec. 21-19-24. SD(PO)(Union Heights) Professional Office District—7700 S. 1300 E.

(a) *Purpose.* The SD(PO)(Union Heights) Professional Office Zone is established to provide an area for professional and business offices, service and employment activities, which locations and site improvements are built such that a desirable appearance is projected toward public streets and such that compatibility can be maintained with adjacent land uses. It is intended that development within this zone be a walkable community, that is, that patrons to one location within the development can walk safely and serenely to other areas of the development to minimize unnecessary vehicle use. This is achieved by the clustering of buildings, placement of plazas and other outdoor features, and so on.

(b) *SD(PO)(Union Heights) Zone Subdistricts.* The zone also establishes subdistricts within the SD(PO)(Union Heights) Zone which are described hereafter.

- (1) The "Professional Office Subdistrict" (PO) is established as a subdistrict within the SD(PO)(Union Heights) Zone to encourage high-rise office building type development along the Union Park Avenue Corridor. This district extends from the existing gas station development to the north end of the zone, and from the existing gas station development to the west end of the zone.
- (2) The "Convenience Commercial Subdistrict" (CvC) is established as a subdistrict within the SD(PO)(Union Heights) Zone to encourage small scale support commercial uses, such as a gas station, small retail shops, and perhaps a fast food restaurant. This district includes the existing gas station site, beginning at the northwest corner of the intersection of 7720 South and 1300 East approximately 220 feet north along 1300 East, and approximately 220 feet west along 7720 South.

(c) *Uses Allowed.*

- (1) Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development on adjoining proper-

ties, determined through consultation with adjoining property owners. The intent of the above is to effectuate the end result of an overall planned development with appropriate cross-easements, consistent site standards, etc., even though properties may be individually owned.

- (2) The matrix below lists all permitted uses within the PO and CvC Subdistricts of the SD(PO)(Union Heights) commercial zone. The letters "P," "C," or "N" shall mean "Permitted," "Conditional," or "Not Permitted," respectively.

<i>Land Use</i>	<i>PO Subdistrict</i>	<i>CvC Subdistrict</i>
Alcoholic beverage off-premises beer retailer license	N	P
Alcoholic beverage, restaurant, beer-only license.*	C	C
Alcoholic beverage, restaurant, limited service license.*	C	C
Alcoholic beverage, restaurant, full service license.*	C	C
Alcoholic beverage reception center license	N	C
Alcoholic beverage single event permits	C	C
Alcoholic beverage temporary beer event permit	C	C
Athletic, tennis or racquet club	C	N
Automotive self-service station	N	C
Automotive service station	N	C
Business or financial services	P	P
Commercial retail sales and services—ground floor only	P	P
Commercial retail sales and services—2nd floor and above	C	N
Day care, group	C	N
Medical and health care offices	P	N
Parking structure	P	N
Restaurant	P	P
Restaurant with drive-up window	C	C
School, commercial	C	N
Social or reception center	C	C
Theater	P	N

*Additional requirements for clubs and restaurants. Any newly constructed club or restaurant shall meet the following requirements:

- (1) Main entrance shall have an unimpeded line of sight from the street or public way.
- (2) Lighting of the building at the entrance.
- (3) Provide parking lot lighting. All lighting shall be shielded and directed downward to avoid light spill beyond the property line.

(d) *Development Standards.* The following standards are to be considered as applying specifically to development in the SD(PO)(Union Heights) District, in addition to general standards provided elsewhere in this title:

- (1) *Building Height.* One building may be erected to a height no greater than 88 feet, as measured from original grade to highest occupied story, including parapets at the building perimeter.

Height measurement does not include required mechanical structures, such as an elevator penthouse or HVAC equipment. All other buildings shall be no taller than 45 feet in height as measured from existing grade at the center of the building to the top of perimeter parapet walls, except for theater and retail entrance features, which shall not exceed 56 feet in height measured from the base of such features. A theater tower shall be permitted not to exceed 90 feet in height measured from the base of the tower. Parking structures shall be located at least 100 feet from a residential use and shall be limited to three levels not exceeding 25 feet in height measured from existing grade at the center of the structure. A religious or cultural building/activity is not considered a residential use for the purposes of this SD Zoning District.

- (2) *Setback Requirements.* All structures, including parking structures, shall be set back at least 30 feet from all residential use property lines, at least 20 feet from all property lines adjoining public streets, and at least ten feet from all other exterior property lines. A religious or cultural building/activity is not considered a residential use for the purposes of this SD Zoning District. The gas station shall be deemed part of the development for the purposes of this section.
- (3) *Landscaping.* Landscaping guidelines are established to maintain the site qualities that exist in the High Point and Union Park areas and minimize alteration, removal, or degradation of landscaping that currently exists in the area. All front yard landscaping (areas adjacent to a public right-of-way) shall have a minimum depth of 15 feet.
 - a. *Landscape Plans.* No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.
 - b. *Timeline.* Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Division as seasonal conditions may dictate.
 - c. *Land Areas to be Weed-Free or Landscaped.* The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.
 - d. *Bond Required.* The developer shall bond for such landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.
 - e. *Plant Materials.*
 1. 60 percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.
 2. 40 percent small trees and shrubs in a combination with deciduous trees with a caliper of 1½ to two inches and evergreen trees with a height of four feet.
 3. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.

4. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species-type, location, and spacing of trees shall be as shown on the approved Landscape Plan, in compliance with designated streets within the City's Streetscape Plan. Spacing of trees along public rights-of-way may be modified to preserve vistas into the site as approved by the Planning Commission.
 - f. *Installation.* It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
 - g. *Maintenance.* It shall be the responsibility of the developer to properly maintain landscaped areas, including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner. Pruning trees for exposure is prohibited.
 - h. *Vegetation Removal.*
 1. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable individual caliper in compliance with the City's Streetscape Plan, unless otherwise approved by the Planning Division.
 2. When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Community Development Director.
- (4) *Grading and Drainage.*
- a. Drainage from any lot must follow current Sandy City requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.
 - b. A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade.
- (5) *Utilities.* All utility lines shall be 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 or maintained 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 and screened with vegetation or other appropriate method.
 - 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.

- c. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.
- (6) *Signage.*
- a. *General Signage.* Signing on the office building shall be limited to pan channel wall signs in compliance with Chapter 21-26, with a maximum of four signs per facade on two building facades, with one of the signs being a building identification sign.
 - b. *Low-profile (monument) signs.* Freestanding monument signs may be permitted with the following limitations: The sign shall have as the prominent feature the name of the building (i.e., "Union Heights," etc.). The top two feet of the sign is to be utilized to identify the name of the project. Because of this limitation on sign copy, the overall height of the sign may be increased to eight feet, but if placed upon a landscape berm, may not exceed an overall height of 11 feet above sidewalk grade. The sign shall not be located upon the public right-of-way. It may not extend into the required sign visibility triangle, unless otherwise approved by the City Transportation Engineer. The lettering font style for tenant identification shall be the same for all tenants. The materials for the sign (i.e., the base and decorative elements of the structure) are to be similar to that of the development.
- (7) *Architectural Design and Materials.* The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Requirements applicable to all buildings are as follows:
- a. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular traffic and adjacent properties.
 - b. Basic materials shall be limited to no more than four types of materials per building and all buildings within the development shall possess a similar architectural theme. Preferred materials include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, architectural metals and non-reflective glass, with limited amounts of stucco only. Ground level finishes shall generally be the more durable materials, such as stone, metals and glass, while the upper floors may utilize stucco. Color, building materials, and architectural design may vary if approved by the Planning Commission as being compatible with surrounding development.
 - c. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.
 - d. In general, color of exterior building materials shall be composed of earth tones to encourage buildings to blend into the environment. They shall be limited to no more than four major colors per development. If glass surfaces are to be tinted, such tinted glass shall be considered as one of the colors allowed and shall conform to the color requirements included herein.
 - e. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or on the roof. Screen materials shall be compatible with those of the building.

- f. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the SD(PO)(Union Heights) Zone.
- (8) *Buffers, Fences, and Walls.*
- a. The intent in having special buffer, sound-reducing fence, and wall requirements is to provide physical and visual protection between commercial and residential uses.
 - b. Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas.
 - c. Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials. In all cases, the minimum fencing between commercial uses and adjacent residentially zoned property shall be an opaque, sound-reducing fence, such as masonry block or brick.
 - d. The opaque fence shall be a minimum of six feet in height, but not more than eight feet. A lower height fence may be required adjacent to a front property line for sight distance and traffic safety. Walls above six feet shall first be reviewed and approved by the Planning Commission during site plan review.
 - e. Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.
 - f. Service areas shall be properly screened. Outdoor lighting shall be designed to prevent exposure of light source to the view of residents. Facilities that require late night customers and activities shall be directed away from residential areas to reasonably prevent disruption of privacy. Building entrances and exits shall not face adjoining residential properties with no pedestrian circulation allowed within the 30-foot setback area between the residential and commercial uses.
- (9) *Parking Areas.* A parking structure shall be permitted within the zone. Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.
- a. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
 - 1. Type of land use and structure.
 - 2. Building height and configuration.
 - 3. Relationship to other buildings, both horizontally and vertically.

4. Natural land features such as slopes and vegetation.
 5. Physical features such as controlled ingress and egress.
 6. Visibility from vehicular approaches and distant highways.
- b. A minimum of ten feet of landscaped screening consisting of mixed evergreen and deciduous trees shall surround the periphery of paved areas adjacent to buildings or property lines. The number of trees for this area shall be determined by a standard of one tree per every 200 square feet of landscaping required.
- (10) *Outdoor Lighting.*
- a. All street light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Exterior wall-mounted floodlights are expressly prohibited. For parking lot lighting, pole-mounted fixtures are recommended. Lighting of all pedestrian pathways is recommended. Lighting of a building and site identification signs are permitted as allowed by Chapter 21-26.
 - b. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive direct light.
 - c. All public street lights shall be installed as required by the Street Lighting Policy. Decorative pole lights are encouraged in the internal retail village streets where they do not project into adjoining residential areas.
- (11) *General Maintenance.* An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, parking lots (including surfacing and striping), signs, or other structures. The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles.
- (12) *Walkways, Courtyards, Plazas.* Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Untreated areas composed of a mixture of water, cement, gravel, sand, lime and coloring that has been mixed in proper proportions and allowed to set and cure must have an anti-skid design or additional treatment. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.

(LDC 2008, § 15A-19-21; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-25. SD PO/R—Library—10200 S. 1300 E.

(a) *Purpose.* The purpose of this zone is to provide an area for single-family residential and another area for professional and business offices, non-retail services and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property.

Developments adjacent to residential areas shall have a residential look to enhance compatibility. Developments adjacent to commercial zones shall act to buffer less dense residential developments or districts. Developments shall be reviewed by the Planning Commission as a part of site plan review.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. *Area 1. Professional Office (Library).*
 1. Library.
 2. Business and financial offices.
 3. Medical and health care offices.
- b. *Area 2. Residential (R-1-8, R-1-9, R5.7).*
 1. Single-family residential.
 2. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Day care, group.
- b. Dwelling, residential facility for elderly persons.
- c. Dwelling, residential facility for the handicapped.
- d. Nursing care facilities.
- e. Public service.
- f. Religious or cultural activity.
- g. School, private or quasi-public.
- h. School, public.
- i. Home occupation, Category II

(c) *Development Standards.*

(1) *Nonresidential.*

- a. *Building Height.* Buildings shall be erected to a height no greater than 12 feet to the roof line (where the roof meets the wall) measured horizontally from the curb height along the west side of Petunia as it extends between Buttercup and Segoe Lily extending west to a point 80 feet from the property line at 1300 East. Those buildings which abut 1300 East shall be erected to a height no greater than 12 feet to the roof line (where the roof meets the wall) measured from the curb height along the east side of 1300 East at the 30-foot setback. The overall height of a building abutting from the intersecting points at the 30-foot setback and 12-foot roof line height to the intersecting points at the 80-foot setback line from 1300 East and overall building height of 35 feet, as measured from the curb at 1300 East. (See diagram.)
- b. *Setback Requirements.* All buildings shall be set back at least 30 feet from all property lines. Uses may be developed adjoining at the side yards with shared party walls. If buildings

are not joined, there shall be at least a ten-foot setback from each side and 30-foot rear setback. Where nonresidential districts abut residential uses or districts, nonresidential buildings shall be set back at least 30 feet from the property line and the side yard shall be developed and landscaped as described in Chapter 21-23.

- c. *Additional Building Height.* Building height for the SD Professional Office property located directly east of the existing commercial development will conform to a 35-foot maximum ridge height and 12-foot roof line height measured from the Segó Lily curb height at the eastern edge of the property line where it meets Segó Lily.
- d. *Development Adjacent to Residential Districts.* Developments adjacent to residential districts shall have a residential look to enhance compatibility.

(2) *Residential Standards.*

- a. *Lot and Yard Regulations.* As per Residential District R-1-9 for the area zoned R-1-9 and Residential District R-1-8 for the area zoned R-1-8.
- b. *Size of Buildings.* All dwellings regardless of the underlying zoning shall be comprised of the following minimum square footage:
 - 1. One-story: 1,300 square feet with a double garage required.
 - 2. Two-story: 1,625 square feet with a double garage required.
 - 3. On multi-level homes, the upper two levels shall equal 1,300 square feet.
- c. *(R5.7) Subdistrict; Special Standards.* The R5.7 residential subdistrict shall comply with the following development standards for all development:

<i>Setbacks</i>		
Front	(To porch or other occupied space)	20 ft. min. to back of curb
Front	(To garage)	18 ft. min.
Side		5 ft. min.
Rear		15 ft. min. (irregular lots may be averaged, provided no point is closer than 10 ft.)
<i>Lot Width</i>		
Single-family		50 ft. min. at front setback line
Twin home		42 ft. min. at front setback line
<i>Lot Size</i>		
Single-family		4,700 sq. ft.
Twin home		3,950 sq. ft.
<i>Building Height Maximum</i>		
All home styles	Measured to the mid-point of the roof line	30 ft.
<i>Home Size Minimum</i>		
All home styles	Excluding the garage	1,400 sq. ft.
<i>Enclosed Parking Minimum</i>		
All home styles	Attached Garage Required	2-car garage, minimum dimensions of 20 ft. by 20 ft.
<i>Placement of Units</i>		

Twin homes	All Units shall be placed within 300 feet of Segó Lily Drive	The number of twin homes shall not exceed 20
Single-family	No limit on location of units—may be interspersed among the twin homes	No limit on the maximum of single-family units
<i>Maximum Density</i>		
The maximum density shall not exceed 5.7 units per acre. The density calculation shall not include land dedicated or used for Segó Lily Drive. The Planning Commission is not required to approve 5.7 units per acre. They may approve up to that maximum limit. Actual number of units that are approved will be based upon the design and layout of the subdivision, amenities that may be required by the Planning Commission, required street system, existing easements for utilities, trails and slope protection.		

(d) *Supplementary Regulations.*

- (1) All zoning designations and their acreages shall be developed as shown in Exhibit A (the Master Plan for the site).
- (2) All proposed residential zoning shall show a proposed layout approved prior to the approval of the overall zoning. The proposed layout or the lot yield shall be determined only after the proposal has been reviewed in accordance with the City's subdivision regulations.
- (3) A three-dimensional scale model topographically accurate must be submitted for approval prior to any project development and required site approval, not to include individual homes.
- (4) All zoning and use requirements in the specific zones will be developed and improved according to the requirements of this title, including dedication and improvement of roadways.
- (5) All developments will proceed through site plan review or subdivision review as required by City ordinance.
- (6) The Alta Quadrant Community Council is to be notified by the owner/developer and Sandy City of any pending site plan development at the time of the pre-application conference for full site plan review.
- (7) Developments adjacent to residential districts will have a residential look to be as compatible as possible with existing adjoining residential development. This residential treatment will be of similar building material, landscaping, height and other requirements that might be required by any site plan review process to provide the desired compatibility.
- (8) Prior to zoning being granted, the developer will submit proposed draft layouts of subdivisions for all proposed residential zoning districts to show that the property can be developed residentially. This does not constitute approval of the subdivision by the City which must be obtained by the submission of formal subdivision plats and processing them through the City's subdivision approval process at the appropriate time.
- (9) Lots directly abutting Buttercup Drive may be developed and built first. If only these lots are built upon, they shall not be considered a part of any phasing requiring further improvements to the entire site.

(10) Improvements.

- a. All streets shall be developed to the City's standards, including width, dedication of curb, gutter and sidewalk.
 1. Streets shall be developed and dedicated to the following widths:
 - (i) Sego Lily: 80 feet.
 - (ii) Petunia: 60 feet.
 - (iii) Buttercup: 60 feet.
 - (iv) 1300 East: 106 feet.
 - (v) Any other streets necessary, and their widths shall be determined by the City's Traffic Engineer.
- b. The developer shall complete improvements, including curb, gutter and sidewalk. Landscaping shall be placed along Buttercup between Peach Blossom and 1300 East. The completion of this street shall take place immediately upon zoning.
- c. All new water hookups, lines and hydrants must comply with Fire and Water Department pressure requirements.
- d. All perimeter work (i.e., landscaping, walkways, common areas and fencing) will be completed prior to any occupancy, excluding the library, which may be occupied prior to all perimeter work being completed.
- e. All public improvements shall be guaranteed for 24 months after installation and acceptance by the City by the posting of a bond acceptable to the City.
- f. All back-facing lots will include curb, gutter and sidewalk, fencing and street landscaping, including irrigation (automatic sprinklers), and these areas will be placed in a Special Improvement District to maintain street landscaping, fencing, etc. Tree caliper will be two inches in size.
- g. The office development will be fully landscaped front, side and rear, with the parking lot dividers (planter area) a minimum of five feet wide to support shrubs, trees and grass. Tree caliper will be two inches in diameter with all shrubs of at least a five-gallon size. All landscaped areas will include automated sprinkler systems with sufficient coverage to supply two inches of water per square inch per week to all landscaped areas.
- h. All perimeter work, landscaping, including automatic sprinkler systems, walkways, common areas and fencing, will be completed prior to any occupancy of that particular phase of the development. A development phase will be defined as any development on a piece of property that has a common zone, boundaries such as a dedicated roadway and/or property lines encircling a piece of the property or as shown as a development phase on the rezoning plat.
- i. The library property developer will be responsible for the finished street treatment (i.e., curb, gutter, and sidewalk) along the south side of Buttercup between 1300 East and Petunia, as well as the library frontage on both 1300 East and Petunia.

- j. The following streets will be developed on or before September 30, 1989, according to City standards regarding the road base, cut and fill, asphalt and gravel specifications to the following widths:
 1. Sego Lily: 60 feet;
 2. Petunia: 40 feet.

Others shown on the zoning maps will be developed at the time of the development of that phase and will take place as required by the Sandy City Traffic Engineer. The final development, curb, gutter, sidewalk and street lighting of Sego Lily and Petunia could take place in two phases. At the time of development of any of the residential property north of Sego Lily, the north side of Sego from the existing residential development through to 1300 East and the west side of Petunia from the Library property to Sego Lily will be completed. Should the south side of Sego Lily be developed before the north side, then curb, gutter, sidewalk and street lighting on the south side of Sego Lily will be completed from the existing residential development through to 1300 East. Whenever the office property on the south side of Sego Lily is developed, the curb, gutter, sidewalk, street lighting and street landscaping of Sego Lily west to 1300 East will be completed.

(11) Access.

- a. In order to provide a very workable development between the library and the office zone to the south, an open flow of traffic will be permitted with two 40-foot openings to be provided between the adjoining parking lots. This open access will allow for a common complex design and sharing of landscaping, screening, common areas and shared parking for both the library and office complex. The open park-like atmosphere will enhance the desirability of the office development by including the library and all landscaping as part of the overall complex.
- b. There shall be no access between the office and vacant commercially zoned property on the southeast corner of this site.
- c. There shall be no access from 1300 East except for Sego Lily Drive and Buttercup Drive. There shall be no left turn permitted from 1300 East onto Buttercup Drive.
- d. There shall be access to the library parking lot from the parking south of the library site.
- e. There will be no access between the professional office zone and the presently vacant commercially zoned property on the southeast corner of this site. However, should the commercially zoned property be rezoned professional office or developed as a Professional Office complex, access between two similarly zoned properties would be permitted. Likewise, if a road were dedicated between Sego Lily and the commercial property to the south, then access could be accomplished by the dedication of this roadway.
- f. Dedicated access in the form of an eight-foot walkway will be provided to the LDS church from the street just west of Countrywood Drive. Dedication of the property and location on zoning plats is all that is expected from the landowner with all improvements and

maintenance handled at the time of the residential development by the developer. Walkways will be included in the special improvement district created to take care of the back-facing lot treatment for this residential development.

(12) Fencing.

- a. All rezoned residential property which abuts existing residentially zoned property will be separated from such property by six-foot wall constructed of cedar or redwood fencing material to provide a treatment that will maintain a consistent wall or fence along the common property line. Where nonresidentially property abuts residential property, there will be a six-foot masonry wall of approved building material of light earth tones.
- b. All back-facing lot fencing will be constructed similar to fencing facing treatment of the Summer Meadows development on the west side of Highland Drive on Newcastle. Fences will be six feet high with brick pillars two feet square and a maximum of 64 feet apart capped with appropriate concrete cap. This fence treatment, curb, gutter, sidewalks, landscaping and sprinkler system will be completed prior to the occupancy of any of the residential property east of Petunia and north of Segó Lily.

(LDC 2008, § 15A-19-22; Ord. No. 10-26, 7-30-2010)

Sec. 21-19-26. SD(R-2-A) Fluckiger—1770 E. 11400 S.

(a) *Purpose.* The Residential SD(R-2-A) District is established to provide a residential environment within Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. Agriculture, including the keeping of farm animals, is allowed.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Extended living areas.
- d. Farm animals.
- e. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Cemetery, columbarium, crematory, mausoleum.
- c. Day care, group.
- d. Dwelling, earth-sheltered.
- e. Dwelling, group, planned.
- f. Dwelling, residential facility for elderly persons.
- g. Dwelling, residential facility for the handicapped.

- h. Planned unit development.
- i. Public service.
- j. Public utility station.
- k. Recreation, outdoor.
- l. Religious, cultural activity.
- m. School, private or quasi-public.
- n. School, public.
- o. Zero lot line development (detached only).
- p. Model home.
- q. Accessory apartment.
- r. Bed and breakfast facility.
- s. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Density Requirement.* Developments shall not have greater than two dwelling units per gross acre.
- b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- c. *Frontage.* The minimum width of any lot for a dwelling shall be 95 feet measured 30 feet from the front property line.
- d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul-de-sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. For interior lots, garage and carports, or the garage portion where the garage is part of the main structure, may be built to a setback line of 25 feet when utilizing a 30-foot setback for the main dwelling (but not beyond the setback line where 20-foot setbacks are allowed).
- e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least ten feet, and the total distance of the two side setbacks shall be at least 24 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 24 feet (between dwelling structures).
- f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.
- g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.

- h. *Accessory Buildings and Uses.* Regulated as per the R-1-20 Zone.
- (2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.
- (3) *Height of Buildings.* Same as R-1-20 Zone.
- (4) *Planned Unit Developments (PUDs).* PUDs in an SD(R-2-A) Residential District shall be allowed a maximum of 2.3 units per gross acre. Refer to Section 21-20-7.
- (5) *Standards for Accessory Apartments and Extended Living Areas.*
 - a. This Subsection (5) is established to provide regulations and design standards for accessory apartments and extended living areas within single-family dwellings in residential zone districts where allowed. Accessory apartments may be allowed by conditional use permit in order to make housing units available to moderate income households, thereby providing economic relief to those homeowners who might otherwise be forced to leave the neighborhood.
 - b. Extended living areas shall be allowed as a permitted use in order to make living units available which are appropriate for households at a variety of stages in the life cycle, as defined in Chapter 21-37.
 - 1. *Requirements for Approval.*
 - (i) A conditional use permit may be granted by the Planning Commission for accessory apartments provided that the requirements herein are met, in addition to the requirements in Chapter 21-33. Review and approval by the Community Development Department may be granted for extended living areas provided that the requirements herein are met.
 - (ii) The granting of a conditional use permit for an accessory apartment or a use permit for an extended living area shall not be exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.
 - (iii) The following pre-conditions and documentation are required:
 - A. A letter of application sworn before a notary public shall be provided by the owners stating that such owners will occupy said dwelling, except for bona fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.
 - B. The effective period of the conditional use permit for accessory apartments shall be two years from the date of the original permit. At the end of every two years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged. Notification shall be sent to the owner for response. Failure to obtain

such certification may be the basis for revocation of the conditional use permit. The Planning Commission, in its sole discretion, may require a new application and demonstration of compliance with all conditions necessary for a conditional use permit.

- C. Building plans or a floor plan of one-fourth inch to the foot showing the floor in which the apartment or extended living area will be located shall be provided.
2. *Design standards for Accessory Apartments and Extended Living Areas.*
- (i) Only one apartment or extended living area shall be created within a single-family dwelling and said area shall be clearly a subordinate part of the dwelling.
 - (ii) The owners of the residence shall live in the dwelling in which the apartment or extended living area is created, except for bona fide temporary absences.
 - (iii) The accessory apartment or extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including prohibition of separate utility meters, separate addresses and mail boxes, etc. In general, any new entrances shall be located on the side or in the rear of the building. In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area, nor be greater than 1,020 square feet (including the staircase), nor have more than two bedrooms, unless, in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.
 - (iv) The design and size of the apartment or extended living area shall conform to all applicable standards in the Fire, Building and Health Codes. In addition, extended living areas shall have free-flow access with other portions of the dwelling.
 - (v) At least three off-street parking spaces shall be available for use by the owner-occupant.
 - (vi) Extended living areas shall be used for family members only or for employed household maintenance personnel on a non-rental basis.
 - (vii) Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

(LDC 2008, § 15A-19-23)

Sec. 21-19-27. SD(PO) Willow Creek Center—8170 South Highland Drive.

(a) *Purpose.* The SD(PO) Zone is established to provide an area for professional and business offices, non-retail services, and other uses not including merchandising, warehousing, and manufacturing, which do not project business hours inconsistent with the harmony of contiguous zones. Developments

adjacent to higher commercial zones shall act as a buffer zone between residential and commercial developments. To ensure neighborhood compatibility, all developments shall be approved by the Planning Commission as a part of site plan review.

(b) *Uses Allowed.* All structures constructed and all activity conducted in this zone are conditional uses. The only permitted uses are those specifically listed or those which are compatible to the purpose and intent of this section and as listed in Subsection (b)(1) of this section.

(1) *Permitted Uses.*

- a. Architects.
- b. Artists.
- c. Certified public accountants.
- d. Chiropractors.
- e. Doctors.
- f. Insurance (not claims adjustment).
- g. Lawyers.
- h. Nurses.
- i. Professional registered engineers.
- j. Psychologists.
- k. Public reporters (including court reporters).
- l. Realtors.
- m. Dentists.
- n. Psychiatrists.
- o. Physical therapists.

(2) *Conditional Uses.*

- a. Banking and financial institutions.
- b. Common area offices.
- c. Business offices.
- d. Sales representative.
- e. Other uses compatible with this zone.

(c) *Development Standards.*

- (1) *Sign Requirements.* Only monument, directional, directory, wall, and projecting signs shall be permitted, compatible with the general objectives and permitted uses of this zone. The number, type, size, and location of signs shall be approved by the Planning Commission during site plan review in conformance with Chapter 21-26.

- (2) *Nuisances.* No portion of the property shall be used in such a manner as to create a nuisance to the adjacent sites, such as, but not limited to, vibration, sound, electro-mechanical disturbances, electro-magnetic disturbances, radiation, air or water pollution, dust, and emission of odorous, toxic or noxious matter.
- (3) *Modifications.* Proposed changes shall be subject to a zoning amendment reviewed and approved by the Planning Commission and City Council with appropriate public hearings, etc.
- (4) *Use and Hours Restrictions.* The uses conducted in this zone shall not have inventories, shall not involve retail sales, and shall conduct no activity which would involve the collection of sales tax. No business shall be conducted by any of the uses allowed in this zone before 7:00 a.m. or after 6:00 p.m., nor any Sunday activities, except in a bona fide emergency situation.
- (5) *Building Height Restrictions.*
 - a. 35 feet from grade at street elevation;
 - b. 20 feet from grade for structures adjacent to residential areas.
- (6) *Parking Ratios.*
 - a. Professional, business offices, and financial institutions: three parking stalls per 1,000 square feet of gross floor area.
 - b. Medical, dental and health services: four parking stalls per 1,000 square feet of gross floor area.
- (7) *Lighting Requirements.* Lighting of parking areas, buildings, signs, landscaping, etc., shall be directed away from residential areas. Down lighting shall be used in parking areas and shall be located at least 60 feet from residential property lines.

(LDC 2008, § 15A-19-24)

Sec. 21-19-28. SD(R-1-7)—7500 S. 400 E.

(a) *Purpose.* The Residential SD(R-1-7) District is established to provide a residential environment within Sandy City that is characterized by moderate to low densities, a minimum of vehicular traffic, and quiet residential neighborhoods favorable for family life.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.
- b. Bed and breakfast facility.
- c. Cemetery, columbarium, crematory, mausoleum.

- d. Day care, group.
- e. Dwelling, earth-sheltered.
- f. Dwelling, group planned.
- g. Dwelling, residential facility for elderly persons.
- h. Dwelling, residential facility for the handicapped.
- i. Model home.
- j. Park and ride facilities, on arterial streets.
- k. Planned unit development.
- l. Public service.
- m. Public utility station.
- n. Recreation, outdoor.
- o. Religious, cultural activity.
- p. School, private.
- q. School, public.
- r. Zero lot line development (detached only).
- s. Home occupation, Category II.

(c) *Development Standards.*

(1) *Lot and Yard Regulations.*

- a. *Lot Size.* An area of not less than 7,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. In addition, the average size of all lots within a development shall be at least 7,500 square feet.
- b. *Frontage.* The minimum width of any lot for a dwelling shall be 70 feet, measured 30 feet back from the front property line.
- c. *Front Yard Requirements.* Same as Zone R-1-8.
- d. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least seven feet.
- e. *Rear Yard Requirements.* Same as Zone R-1-8.
- f. *Corner Lots.* Same as Zone R-1-8.
- g. *Accessory Buildings and Uses.* Regulated as per for R-1-8 standards.

(2) *Size of Buildings.* All dwellings shall be comprised of at least 1,000 square feet of space, same as R-1-8. All dwellings shall be provided with a double garage.

(3) *Height of Buildings.* Same as R-1-8.

(4) *Planned Unit Development (PUDs).* PUDs in an R-1-8 District shall be allowed a maximum of 5.2 dwellings units per gross acre.

- (5) *Special Parking Provisions.* At least two off-street parking spaces shall be provided and maintained for each dwelling unit. No portion of a front yard shall be used for permanent parking of motor vehicles, recreational vehicles or recreational equipment.

(LDC 2008, § 15A-19-25; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-29. SD(R-1-8)PUD—10900 S. 700 E.

(a) *Purpose.* The intent in establishing the SD(R-1-8)PUD District is to provide a residential PUD subdivision" environment within Sandy City that is characterized by moderate densities, medium-sized homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. As a PUD subdivision, developments in this district will be unified through a general style of dwelling, along with landscaping amenities being provided as a part of the development.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture.
- b. Dwelling, single-family.
- c. Home occupation.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Public utility station.
- b. Recreation, center (noncommercial).
- c. Recreation, outdoor (noncommercial).
- d. Religious, cultural activity.
- e. School, private or quasi-public.
- f. School, public.
- g. Home occupation, Category II.

(c) *Development Standards.*

- (1) *Density.* Density of any development shall not exceed a maximum of 5.2 dwelling units per acre.
- (2) *Lot Size.* An area of not less than 7,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto. However, an average lot size of not less than 7,500 square feet shall be maintained for an entire development.
- (3) *Lot Width.* The minimum width of any building lot shall be 70 feet, measured at a distance of 30 feet from the front property line.
- (4) *Yards and Setbacks.*
 - a. *Front Yard.* Same as R-1-8.
 - b. *Side Setback.* Same as R-1-8.

- c. *Rear Setback.* All dwellings and other main buildings shall be set back from the rear property line at least 20 feet on interior lots, and 15 feet on corner lots. On irregular lots, the minimum setback can be met by an average distance, provided that no portion of the building is closer than ten feet to the property line.
 - (5) *Size of Buildings.* All dwellings shall comprise at least 1,000 square feet of gross livable area for ramblers, and 1,500 square feet of gross livable area for two-story structures. In addition, all dwellings shall provide at least a double space garage.
 - (6) *Building Height.* No building shall be erected to a height greater than 35 feet, and no building shall be erected to a height less than ten feet or one story above grade. Where the ground level or top of the building is uneven or varies in height, average elevation thereof shall apply.
 - (7) *Accessory Buildings and Uses.* Regulated as per R-1-8 standards.
 - (8) *Additional Requirements.*
 - a. All dwelling shall have full masonry fronts on the first floor, excepting such features as cantilevers, extended bays, and those areas above doors and windows.
 - b. All parkstrips shall be landscaped with grass and trees (25 feet to 30 feet on center) and be fully irrigated, prior to the occupancy of the associated dwelling.
 - c. A six-foot barrier wall shall be constructed along the frontage of any arterial street as stipulated in Chapter 21-28.
 - d. A formal entryway shall be constructed at each entrance into the development as approved by the Planning Commission.
- (LDC 2008, § 15A-19-26; Ord. No. 15-03, 1-22-2015)

Sec. 21-19-30. SD R-1-15 Scandia—11700 S. 2300 E.

(a) *Purpose.* The purpose of this district is to provide a residential transition between the lower density R-1-20 properties to the east, and the higher density PUD(4) and PUD(6) to the west. The transition is characterized by development considerations which minimize disturbance of natural vegetation and land features. In addition, before any approvals for development within this district, wildlife considerations will be analyzed, and if necessary, wildlife corridors and/or other wildlife protections will be included as a part of that development.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Agriculture (which does not include the keeping of farm animals).
- b. Dwelling, single-family.
- c. Extended living area.
- d. Home occupation, Category I.

(2) *Conditional Uses.*

- a. Accessory apartments.

- b. Day care, group.
- c. Dwelling, planned group.
- d. Dwelling, residential facility for elderly persons.
- e. Dwelling, residential facility for the handicapped.
- f. Model home.
- g. Planned unit development.
- h. Public service.
- i. Public utility station.
- j. Recreation, outdoor.
- k. Religious, cultural activity.
- l. School, private or quasi-public.
- m. School, public.
- n. Building lots that do not have frontage on a public street.
- o. Home occupation, Category II.

(c) *Development Standards.*

- (1) *Lot Size.* The following lot size shall be provided and maintained for each dwelling and uses accessory thereto:
 - a. *R-1-15 Subdistrict.* An area of not less than 15,000 square feet with an average lot size of 18,000 square feet for the entire subdistrict.
 - b. *R-1-12 Subdistrict.* An area of not less than 12,000 square feet with an average of 15,000 square feet for the entire district.
- (2) *Frontage.* Frontage is required as follows:
 - a. *For R-1-15 Subdistrict.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line. However, an average lot width of 90 feet shall be required for this subdistrict.
 - b. *For R-1-12 Subdistrict.* The minimum width of any lot for a dwelling shall be 85 feet measured 30 feet from the front property line.
- (3) *Front Yard Setback.*
 - a. All buildings shall be set back 30 feet from the front property line.
 - b. Where lots front on cul-de-sacs or elbows, the front setback may be smaller, provided that no dwelling is closer than 20 feet from the front property line.
 - c. On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.
 - d. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet.

- e. Garage and carports, or the garage portion where the garage is part of the main structure, may extend beyond the main structure to a setback line of 25 feet (but not beyond the setback line where 20-foot setbacks are allowed).
- (4) *Side Yard Setback.* Side yards are required as follows:
- a. *For R-1-15 Subdistrict.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least ten feet, and the total distance of the two side setbacks shall be at least 22 feet.
 - b. *For R-1-12 Subdistrict.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least 20 feet.
- (5) *Rear Yard Setback.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of at least 30 feet, provided that no portion of the building is closer than ten feet to the property line.
- (6) *Building Size.*
- a. For all single-family dwellings, the minimum square footage of each dwelling is as follows:
 - 1. One-story: 1,400 square feet.
 - 2. Two-story: 1,750 square feet.
 - b. For all dwellings, a double garage is required.
- (7) *Building Height.* No building height shall be higher than 30 feet.
- (8) *Accessory Buildings and Uses.* Regulated as per R-1-15 standards.
- (9) *Planned Unit Development PUD.* A density of six units per acre is allowed for a PUD development adjacent to the golf course. All other regulations regarding a PUD development are as found in Section 21-20-7.
- (LDC 2008, § 15A-19-27; Ord. No. 17-09, 3-9-2017)

Sec. 21-19-31. SD(OS—Dimple Dell Regional Park—10500 S. Between State Street and Wasatch Boulevard.

(a) *Purpose.* The intent of the OS Open Space Zone is to establish large areas in the City where only open and generally undeveloped lands are to be permitted. Development of a comprehensive network of permanent, multi-functional, publicly- and privately-owned open spaces shall be encouraged. Restrictions in this zone are designed to prevent the encroachment of residential, commercial, and industrial uses into these open space areas which would be contrary to the objectives and characteristics of this zone, and for approved uses to be in compliance with the Dimple Dell Regional Park Master Plan, as adopted, and the Sandy City General Plan.

(b) *Uses Allowed.*

(1) *Conditional Uses.*

- a. Botanical and zoological gardens.
- b. Forests.

- c. Conservation areas, including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, and any lands under the Jordan River Parkway Authority.
- d. Public and private parks and recreation areas, including, but not limited to, playgrounds, athletic fields and tennis courts.
- e. Historic preservation and monument sites.
- f. Publicly-dedicated open space.
- g. Open air theaters and meeting places.
- h. Public services.
- i. Accessory uses.
- j. Public utility station.

(c) *Development Standards.*

- (1) *Area Requirements.* Minimum area requirements are to be determined by the Planning Commission.
- (2) *Frontage Requirements.* The parcel of land must have frontage on a publicly-dedicated road of at least 24 feet.
- (3) *Building Height, Size, and Setbacks.* All building height, size and setback requirements shall be determined by the Planning Commission as part of the conditional use approval process.
- (4) *Landscaping.*
 - a. All areas not covered by building, pavement for roads and parking lots, or walkways, shall be landscaped as required by the Planning Commission.
 - b. In addition, refer to Chapter 21-25.
- (5) *Signs.* The only signs permitted in this zone shall be monument signs, guide signs, directional signs, wall signs, and temporary promotional signs compatible with the general objectives of this zone. All signs, except for temporary promotional signs, must be approved by the Planning Commission.
- (6) *Maintenance of Facilities.*
 - a. At the discretion of the Planning Commission, a legal submission may be required which sets forth a plan or manner of permanent care and maintenance of all open space and other facilities provided in the site plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the open space and subject facilities.
 - b. In the event the open space and other facilities are not maintained in a manner consistent with the approved site plan, the City may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

(LDC 2008, § 15A-19-28)

Sec. 21-19-32. SD(PO Silver Sage) District—10900 S. 700 E.

(a) *Purpose.* The purpose of the SD(PO Silver Sage) Zone is to establish an area for professional and business offices, non-retail services, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. The intent of this special development district zone is to allow the most efficient, functional and creative development of the lots within the zone, which have unique characteristics including very shallow depths.

(b) *Uses Allowed.*

(1) *Permitted Uses.* Permitted and conditional uses shall be the same as those permitted in the Professional Office (PO) Zone. See Section 21-8-2.

(c) *Development Standards.*

(1) *Minimum Building Setbacks.*

Front, standard	30 feet
Side, shared party walls	0 feet
Side, no shared walls	10 feet
Side, abut residential	10 feet
Rear, residential	10 feet
Rear, residential	15 feet
Rear, abut residential	15 feet

Front setbacks may be amended as allowed in Chapter 21-14.

(2) *Landscaping Standards.* All landscaping shall comply with the Sandy City Landscaping Standards, including the following:

- a. *Side Yards.* There shall be a minimum of five feet of landscaping between parking areas and side property lines.
- b. *Adjacent to Residential Districts.* A minimum ten-foot width of landscaping (including a combination of trees and shrubs (evergreen and deciduous)) and ground covers shall be provided to create a buffer for the adjacent residential district.

(3) *Site Plan Review.* Review of all site plans in the SD (PO Silver Sage) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32.

(4) *Building Height.* Buildings shall be limited to no more than one story above grade. At the minimum setback line, building height shall not exceed 25 feet, as measured from average finish grade to the peak of the roof.

(5) *Ancillary Retail Commercial Uses.* Ancillary retail commercial uses shall be at the following ratio:

- a. No more than 50 percent of a mixed use building.
- b. No more than ten percent of a primary use for a stand along project.

(6) *Extended Hours.* Any commercial use within 250 feet of a residentially zoned district where such commercial use desires to operate after 10:00 p.m. and before 6:00 a.m. of the following day shall require a separate conditional use permit for the extended hours.

(7) *Residential Compatibility.* Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood.
(LDC 2008, § 15A-19-29; Ord. No. 06-23, 8-15-2006)

Sec. 21-19-33. SD(C)—Webster—9690 S. 700 E.

(a) *Purpose.* The purpose of the SD(C) District is to provide a zone allowing the compatible mixing of residential and commercial carpentry and cabinet shop uses.

(b) *Uses Allowed.*

(1) *Permitted Uses.*

- a. Same as indicated within the RM Zone.
- b. Cabinet and carpentry shops.

(2) *Conditional Uses.*

- a. Per RM Zone.

(c) *Development Standards.*

(1) *Area Requirements.* 2.35 acres.

(2) *Frontage Requirements.* No public frontage required.

(3) *Building Height Requirements.* 35 feet, per RM Zone.

(4) *Building Size Requirements.*

- a. For residences: same as R-1-8 zone.
- b. For commercial: none required.

(5) *Front Setback Requirements.*

- a. For residences: same as RM zone.
- b. For commercial: same as CN zone.

(6) *Rear Setback Requirements.*

- a. For residences: same as RM zone.
- b. For commercial: same as CN zone.

(7) *Side Yard Requirements.*

- a. For residences same as RM zone.
- b. For commercial: same as CN zone.

(8) *Parking Ratios.*

- a. For residences: same as RM zone.
- b. For commercial: same as CN zone.

(9) *Location of Parking.*

- a. Same as RM zone.

- (10) *Driveways and Curb Openings.*
 - a. For commercial: same as CN zone.
- (11) *Storage and Refuse Collection Areas.*
 - a. For residential: same as RM zone requirements.
 - b. For commercial: same as CN zone requirements.
- (12) *Lighting.* Same as CN zone requirements.
- (13) *Landscaping.*
 - a. For residential: same as RM zone.
 - b. For commercial: same as CN zone.
- (14) *Fencing.*
 - a. For residential: same as RM zone.
 - b. For commercial: same as CN zone.
- (15) *Signs.* Same as in Chapter 21-26.
- (16) *Public Improvements.* Same as commercial/industrial development standards.
- (17) *Special Provisions.* Commercial and residential access is to be from 35-foot right-of-way off from 700 East Street until such time which property to the south develops. Commercial access then will be from the south, and residential access for 660 East Street.
- (18) *Submittal Requirements.* Same as Commercial Code Procedure (LDC 2008, § 15A-19-30)

Sec. 21-19-34. SD(R-1-30A) Bell Canyon Acres—10600 S. 1300 E.

All requirements pertaining to an R-1-30A Zone District shall be applicable except as specifically set forth otherwise herein.

- (1) *Purpose.* The purpose of the SD(R-1-30A) District is to provide and perpetuate a rural residential environment within Sandy City that is characterized by large single-family homes with farm animal rights. This is a unique community that was developed to cater to horse owners. Its proximity to the Dimple Dell Regional Park adds to the unique nature of the community. It has access to the horse trails of the park and was developed with an extensive network of bridle trails within the community. Certain unique restrictions are necessary to maintain the nature of the community.
- (2) *Uses Allowed.*
 - a. *Permitted Uses.* All permitted uses currently allowed under the R-1-30A Zoning District.
 - b. *Conditional Uses.* All conditional uses currently allowed under the R-1-30A Zoning District.
 - c. *Special Uses.* All special uses currently allowed under the R-1-30A Zoning District unless expressly shown herein.

- d. *Not Permitted Uses.* All uses currently not allowed under the R-1-30A Zoning District.
- (3) *Lot and Yard Regulations.* See the standards for an R-1-30 Residential District in Chapter 21-20.
- (4) *Farm Animal Area Set Aside.* A minimum of 5,000 square feet of usable square footage must be designated and maintained on each lot for the housing and containment of farm animals (the "farm animal area set aside"), regardless of whether or not farm animals are maintained on the lot. This area may consist of stables, hay barns, turnouts, etc., or any other structure that its primary use is related to the keeping of farm animals. Areas that may not be used to satisfy the farm animal area set aside include front yard (front yard area of home or minimum 30-foot setback from street right-of-way, whichever is greater); side yard (15 feet from primary dwelling); rear yard (30 feet from primary dwelling); and areas dedicated for other uses (bridle paths, etc.). Side and rear yard areas that are 25 feet or greater in width may be used as the farm animal area set aside and must be contiguous areas on the lot. The farm animal area set aside may be used for other purposes when not needed for farm animal housing and confinement, but must be easily returnable to an area for housing and containment of farm animals. Structures and other improvements that would have to be removed or substantially modified in order to return the farm animal area set aside to farm animal housing and containment are not allowed within the farm animal area set aside. The farm animal area set aside may not be used at any time for residential dwellings.
- (5) *Ratio of Large Farm Animals to Lot Size.* Two large animals may be kept per first one-half acre of lot size (no less than 20,000 square feet) and additional large animals may be kept at a ratio of one per additional one-eighth acre (no less than 5,000 square feet) of lot size to a maximum of four large animals per lot. In addition, one offspring under the age of 12 months may be kept on the property.
- (6) *Special Use Permit for Keeping Additional Large Animals.* Lot owners may apply for a special use permit from the Sandy City Community Development Department to keep additional large animals on their lot. Under this special use permit, large animals may be kept at a ratio of one additional large animal per additional 5,000 square feet of additional farm animal area set aside beyond a base of 10,000 square feet of area set aside, up to a maximum of ten large animals per lot, provided the following minimum requirements are met:
- a. *Residency.* The applicant must certify and may be required to prove that the property upon which a special use permit is being sought is owned by the applicant and is the applicant's primary residence.
 - b. *Farm Animal Area Set Aside.* This area must be used and preserved for the purpose of keeping farm animals. Areas that merely could be used for farm animals, but is not currently being used as such, will not be used in determining additional farm animal area set aside.
 - c. *Shelter.* Shelter shall be provided for all large animals on the property at all times. At a minimum, a shelter shall consist of three solid walls, a pitched or slanted roof and provide ventilation. This shelter must meet all Building Code requirements. The minimum space required for shelter shall be 120 square feet per large animal. A plot plan must be submitted to illustrate the location of all proposed and existing structures and facilities.

- d. *Waste Removal.* A Waste Management Plan must be submitted to provide for the elimination of potential nuisances, including unsanitary conditions, odors, and flies. At a minimum, the plan must ensure routine cleaning of shelter space of all manure and waste. This plan must provide details of how the removal from the premises or proper recycling of manure and other waste products will be accomplished. The waste removal plan is subject to the approval of the Community Development Department, Sandy City's Animal Services Division, affected water districts, and the Salt Lake Valley Board of Health.
- e. *Proof of Ownership.* Boarding of animals is prohibited. An applicant shall provide proof of ownership of all large animals on the property. Acceptable forms of proof are the following: a notarized bill of sale (if not notarized, the canceled check with the bill of sale is acceptable), a brand inspection certificate, an auction invoice from an accredited auction, or equine registration papers in the current owner's name.
- f. *Review.* The applicant shall at all times remain in compliance with all the requirements of the special use permit, the City's ordinances and state laws pertaining to animals and nuisances and the regulations of the Salt Lake Valley Board of Health. The Community Development Department, the City's Animals Services Division, and the Salt Lake Valley Department of Health shall be allowed to inspect the property at reasonable times to verify compliance. This special use permit may be reviewed upon legitimate complaint or failure to comply with the requirements herein. If the applicant is found to be out of compliance, this special use permit may be revoked by the Community Development Director.

(LDC 2008, § 15A-19-31; Ord. No. 09-11, 4-22-2009)

CHAPTER 21-20. RESIDENTIAL DEVELOPMENT STANDARDS

Sec. 21-20-1. Residential Districts—Purpose R-1 and R-2.

(a) R-1 Districts are established to provide residential environments within Sandy City that strive to emphasize a minimum of vehicular traffic and create quiet neighborhoods favorable for single-family detached homes. These districts are further established with a focus towards the preservation of natural vegetation and land features. The variety of medium to low housing densities provide for a wide variety of housing opportunities from large estate homes to smaller, entry level homes. Agriculture (which does not include the keeping of farm animals) is allowed in each R-1 Subdistrict. Special regulations are provided for the allowance of farm animals on an individual district basis after petition of the property owners and approval by the City Council within subdistricts equal to or larger than R-1-15.

(b) R-2 districts are established to provide a residential environment within Sandy City that is characterized by slightly higher densities than single-family districts, single-family housing interspersed with two-family housing, a variety of housing sizes, a minimum of vehicular traffic, and quiet residential neighborhoods favorable for family life.

(LDC 2008, § 15A-20-01)

Sec. 21-20-2. Residential Building Setbacks, Building Heights, Required Off-Street Parking for R-1 and R-2 Zoning Districts.

The minimum allowed residential building setbacks (in feet), the maximum allowed building heights (in feet) and the minimum allowed number of off-street parking stalls for the R-1 and R-2 Zoning Districts are as follows:

Residential Building Setbacks, Building Heights and Covered Off-Street Parking for Standard R-1 and R-2 Zoning Districts

<i>Requirement</i>	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8 INF</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>
Front to living area	30	30	30	30	30	30	30	30	25	See specific section for Residential District R-1-7.5(HS) for details	25	30	30
Front to attached garage	25	25	25	25	25	25	25	25	25		20	25	25
Front (average lot slope of 10%)	20	20	20	20	20	20	20	20	20		20	20	20
Front corner lot—Side A	30	30	30	30	30	30	30	30	25		30	30	30
Front corner lot—Side B	20	20	20	20	20	20	20	20	20		20	20	20
Front—lot on cul-de-sac	20	20	20	20	20	20	20	20	20		20	20	20
Front—lot on elbow	20	20	20	20	20	20	20	20	20		20	20	20
Side (minimum)	15	12	10	10	8	8	8	8	6		6	8	8
Side (both combined—minimum)	30	27	24	22	20	20	18	16	16		12	16	16
Side—minimum for zero lot line development	N/A	27	24	22	20	20	18	16	16		12	16	16
Rear—regular lot	30	30	30	30	30	20	20	20	20		20	20	20
Rear—irregular lot (average)	30	30	30	30	30	20	20	20	20		15	20	15
Rear—minimum setback for an irregular lot	15	15	10	10	10	10	10	10	10		10	10	10
Rear—corner lot	30	30	30	25	25	20	20	15	15		15	20	15
Maximum building height (measured to the peak of the roof)*	35	35	35	35	35	35	35	35	35		35	35	35
Required off-street parking stalls (not including covered stalls)	2	2	2	2	2	2	2	2	2		2	2/u	2/u

*Note: Exceptions for additional building height due to unusual architectural roof designs may be granted by the Planning Commission, at the request of the Community Development Director. (LDC 2008, § 15A-20-02; Ord. No. 10-26, 7-30-2010; Ord. No. 12-14, 5-15-2012; Ord. No. 12-23, 6-18-2012)

Sec. 21-20-3. Required Lot Size, Frontage Requirement for R-1 and R-2 Zoning Districts.

Table of Minimum Lot Sizes and Width for R-1 and R-2 Residential Zones

	<i>R-1-40</i>	<i>R-1-30</i>	<i>R-1-20</i>	<i>R-1-15</i>	<i>R-1-12</i>	<i>R-1-10</i>	<i>R-1-9</i>	<i>R-1-8</i>	<i>R-1-8(INF)</i>	<i>R-1-7.5(HS)</i>	<i>R-1-6</i>	<i>R-2-10</i>	<i>R-2-8</i>
Minimum lot width, in feet	110	100	90	85	80	80	75	70	70	65	55	80 ¹	75 ²
Minimum lot size, in thousands of square feet	40	30	20	15	12	10	9	8	7 ³	7.5	6	10 ¹	8 ²

Notes:

1. Single-family lots must have at least 8,000 square feet and 70 feet of width. Twin home or duplex lots must have at least 5,000 square feet and 40 feet of width.
2. Single-family lots must have at least 8,000 square feet and 75 feet of width. Twin home or duplex lots must have at least 4,000 square feet and 37.5 feet of width.
3. Lot sizes must average 8,000 square feet with no lot smaller than 7,000 square feet in the R-1-8(INF) Zone.

(LDC 2008, § 15A-20-03)

Sec. 21-20-4. Table; Minimum/Maximum Dwelling Size for R-1 and R-2 Zoning Districts.

Table for R-1 and R-2 Minimum/Maximum Dwelling Size

<i>Zone</i>	<i>One-Story Split Level and Split Entry (square feet)</i>		<i>Two-Story Total Both Levels (square feet)</i>	
R-1-40	1,500	6,500	1,875	7,500
R-1-30	1,500	6,500	1,875	7,500
R-1-20	1,400	6,500	1,750	7,500
R-1-15	1,400	5,500	1,750	6,500
R-1-12	1,350	4,500	1,685	6,000
R-1-10	1,300	5,000	1,625	6,000
R-1-9	1,200	4,500	1,500	5,500
R-1-8	1,000	4,000	1,250	5,500
R-1-8(INF)	1,100	4,000	1,600	5,000
R-1-7.5(HS)	1,000	3,200	1,250	4,000
R-1-6	800	2,800	1,350	3,500
R-2-10	800	2,100	1,350	4,000
R-2-8	800	2,000	1,350	3,500

- (1) *Allowable Square Footage.* Determination of allowable square footage measures livable space only, which does not include subterranean basements, garages or similar spaces. The square footage established above for the R-2-10 and R-2-8 Zoning Districts refers to each dwelling unit in a multifamily dwelling.

- (2) *Approval for a Home Larger than Maximum Size.* Individuals who desire to construct a new home larger than the maximum home size limits (or desire to increase the size of an existing home) may apply for a special exception from the Planning Commission. To qualify for the special exception, the applicant shall comply with the following requirements:
- a. The proposed square footage of the home (excluding basement) is within ten percent of the average home size within a 1,000-foot radius as measured from the property line or if the proposed home is located within a planned unit development, it is consistent with the approved standards and home sizes for the entire planned unit development.
 - b. The proposed home or addition is consistent with the existing architectural standard for the surrounding neighborhood (e.g., rambler style homes, two-story homes, brick facade, stucco, half-timber, similar pitched roof, etc.).
 - c. The proposed enlargement is not permitted to increase the available space for an accessory apartment.
 - d. The increased square footage is not permitted for nonresidential structures. Institutional care uses shall comply with the minimum and maximum square footage requirements for the underlying zone.

(LDC 2008, § 15A-20-04; Ord. No. 10-26, 7-30-2010)

Sec. 21-20-5. Off-Street Parking Requirements.

(a) All single-family homes on R-1-6 or larger lots shall provide at least a two-car garage for the daily storage of personal vehicles. The garage may be front or side loading. Any detached garages shall comply with the requirements for detached accessory structures as described elsewhere in this chapter. Any home within an R-1-6 or larger Zoning District that was built without an attached two-car garage may apply for a building permit to build a two-car garage with a side yard setback of no less than five feet, provided that there are no issues with any utilities or easements. The other side yard setback shall meet the minimum for that zone and the garage must meet the minimum size as regulated in this title.

(b) In addition to the two-car garage, all single-family homes shall provide at least two paved off-street parking spaces, plus one space for each domestic (e.g., maid, nanny, gardener, etc.) or support staff person employed on the premises during the highest employment shift.

(LDC 2008, § 15A-20-05; Ord. No. 13-02, 1-23-2013)

Sec. 21-20-6. Additional Regulations and Standards Applicable to the Residential District R-1-7.5(HS).

(a) *Lot Regulations.*

- (1) *Lot Size.* An area of not less than 7,500 square feet shall be provided and maintained for each dwelling and uses accessory thereto, except that a legal vacant lot that (i) existed prior to July 1, 1975, and (ii) contains at least 5,500 square feet may be developed for a single-family dwelling. No new subdivisions shall have lots less than 7,500 square feet, except for those exceptions provided in this title.

- (2) *Frontage.* The minimum width of any lot for a dwelling shall be 65 feet, measured 30 feet back from the front property line, except that a legal vacant lots that existed prior to July 1, 1975, may utilize the existing lot width but shall not be made narrower through land grant, lot line adjustment, or other development practices, except for those exceptions provided in this title.
- (b) *Setback Regulations.*
 - (1) *Front Yard Requirements.* All buildings shall be set back 20 feet from the front property line. Vacant parcels nestled between two or more developed parcels may choose to match existing conditions for a front setback. In no case shall the structure be closer than 15 feet to the front property line, nor shall the driveway be shorter than 18 feet.
 - (2) *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least six feet and the total distance of the two side setbacks shall be at least 16 feet, with the following exception: Lots with street frontage less than 65 feet (measured at the 30-foot setback line), which were legal at the time of subdivision and are now legally nonconforming as to frontage, may be set back from one side property line a distance of at least six feet, provided the total distance of the two side setbacks is at least 12 feet.
 - (3) *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a distance of 20 feet on interior lots and 15 feet on corner lots. For irregular lots, the minimum setback may be an average of 20 feet for an interior lot, or 15 feet for a corner lot, provided that no portion of the building is closer than ten feet to the property line.
 - (4) *Corner Lots.* Unless otherwise permitted in this title, the two front setbacks for corner lots shall be a minimum of 20 feet and 20 feet, respectively.
 - (5) *General Exceptions to the Above.*
 - a. Additions and other external modifications to existing main dwelling structures within the R-1-7.5(HS) Zone that currently violate the required front, side or rear setbacks may not be required to comply with normal setback requirements upon approval of a special exception by the Planning Commission. The Planning Commission may approve the special exception if the property owner can show that the addition or external modification will:
 1. Meet the intent of the Historic Sandy Neighborhood Plan and this title;
 2. Comply with the architectural design and character for homes within the R-1-7.5(HS) Zone;
 3. Not be located within the sight visibility triangle on corner lots or create any other safety problems determined through the review and approval process. The City Transportation Engineer shall review the request to determine if the proposed addition or external modification will prohibit future right-of-way expansion. The City Transportation Engineer shall submit a recommendation to the Planning Commission; and
 4. Not encroach closer than five feet to the public right-of-way or property line. Corner lots may include additions or external modifications providing that at least one side has at least 15 feet to the public right-of-way or property line.

This shall not exempt any construction or addition to the main dwelling structure from compliance with applicable IRC, IBC, IFC, Life Safety Code or other applicable codes as adopted by the State of Utah and/or Sandy City.

- b. The development of the rear half of deep lots shall be part of an overall master planned residential development with other adjacent deep lots with common access in the immediate vicinity.
- c. No special exceptions shall be granted by the Planning Commission to split a lot that is 1½ times as large and 1½ times as wide if the resultant lots are narrower than 65 feet wide or 7,500 square feet in size, unless otherwise allowed by this title.

(c) *Required Design Elements for New Construction or Major Remodeling (25 Percent or Greater of Value of the Structure) of Existing Homes.* The following design elements shall be required and included in the final design for new home construction or a remodel of an existing home:

- (1) The front elevation of the home should appear similar in scale to those seen on the same block.
- (2) The building should appear similar in height to those similar in scale within a 200-foot radius.
- (3) Building materials should be of similar type as those in the immediate 200-foot radius of the home.
- (4) The home should contain architectural features that provide visual interest to pedestrians.
- (5) Windows and doors on the front facade should be similar in size and design as those seen in the immediate 200-foot radius.
- (6) When remodeling an existing home, the new portion of the home should use similar exterior materials, including similar window design and doors, as those of the existing home.
- (7) The use of dormers and other architectural feature elements upon the roof line, whether functional or not, is strongly encouraged.
- (8) All new homes shall have a front porch. Front porches must have a minimum depth of six feet, and comprise a minimum of 50 percent of the width of a building's primary front facade (not including an attached garage). In no case shall the front porch be less than 15 feet in width. All other homes that are being remodeled are encouraged to install a front porch where practical as described above.
- (9) For legal nonconforming lots with frontage less than 55 feet, a detached garage installed in the rear of the home shall be encouraged. All attached garages shall be offset from the front setback of the home at least three feet so as to give a staggered appearance to the home.

(LDC 2008, § 15A-20-06)

Sec. 21-20-7. Planned Unit Development District (PUD).

This section calls for substantial compliance with the intent of the General Plan and regulations of this title and other provisions of this Code related to the public health, safety, and general welfare, but also offers the advantages of large scale planning for residential development and efficient use of land.

- (1) *Purpose.* The purpose of the planned unit development is:
 - a. To encourage a quality living environment through greater flexibility of design than is possible solely through the typical application of zoning regulations.
 - b. To encourage a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
 - c. To encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to give imagination and variety in the physical pattern of the development.
- (2) *Design Objectives for Planned Unit Developments.* Every planned unit development shall be designed to achieve the following design objectives:
 - a. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities.
 - b. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.
 - c. The internal street system and pedestrian connections should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation, activities, functions of the common areas and open space.
 - d. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
 - e. Open space and recreational areas should be the focal point for the overall design of the development.
- (3) *Development Requirements.* To be approved, a planned unit development project must show a high commitment to excellence, ensuring better quality of life for future tenants and be compatible with adjacent residential areas. The following are required for all planned unit development projects:
 - a. *Ownership.* The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
 - b. *Open Space.* Unless otherwise approved by the Planning Commission, common and private open space shall be provided and shall not cover less than 40 percent of the gross site area. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, patios, and recreational areas. Private open space (that provided for each dwelling unit for personal use) shall be located immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Common open space may be distributed throughout the planned unit development and need not be in a single large area. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space. Open space within a

Sensitive Area Overlay Zone shall require conditional use approval. These areas may include, but are not limited to, 30 percent or greater slope areas, fault zones, floodplains, high water table, and wetlands. These areas may only be included as open space when they have been designed as an integral part of the project.

- c. *Interior Streets.* The design of public and private streets within a planned unit development shall follow City standards for width of right-of-way and construction. Existing City standards of design and construction may be modified if recommended by the Transportation Engineer and approved by the Planning Commission if it is determined that the plan submitted is appropriate (e.g., a sidewalk on one side, waiver of parkstrip area, etc.). The pavement width shall be a minimum of 27 feet with at least a 37-foot right-of-way. Private streets shall be subject to the same inspections and construction standards as required for public streets. The interior street system in an entire planned unit development project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association. The original developer/builder will also be required to establish a City-approved road maintenance fund for all private streets. This provision will be required in the CC&Rs for all projects with a private street system.
- d. *Parking.* The following minimum parking shall be provided for all multifamily planned unit developments:

1. Table of Parking Ratios.

One bedroom unit	1.5 parking spaces per unit
Two bedroom unit	2.0 parking spaces per unit
Three or more bedroom unit	2.5 parking spaces per unit
Guest parking spaces	0.25 parking spaces per unit
Storage parking spaces for recreational vehicle storage	As determined necessary by the Planning Commission

- 2. All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right-of-way.
- 3. There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:
 - (i) The topography of the proposed site.
 - (ii) To enhance and protect local property values of adjacent developments and neighborhoods.
 - (iii) To improve the overall appearance of the development for the density of units (e.g., attached garages and underground garages).
 - (iv) Review the location of all garages and may require that they be attached or underground for the multifamily units. All covered parking shall be placed in locations adjacent and convenient to the buildings that they are intended to serve.

- (v) To assist the project in reaching affordable rent levels for low and moderate income individuals as determined by the U.S. Department of Housing and Urban Development.
 - (vi) Garages shall be used for vehicle parking only.
 - (vii) Tandem spaces shall be counted only as one space.
 - e. *Building Materials.* Building materials, roofing materials, and building design shall be reviewed and approved by the Planning Commission. High-quality exterior materials shall be used, including brick, stone, synthetic stucco, prefinished panel, composite materials, or other materials of similar quality, durability, and low maintenance.
 - f. *Landscaping on Public Right-of-Way.* Where a planned unit development is adjacent to a public right-of-way, a permanent open space at least ten feet in width shall be required along the property lines. This area shall be kept free of buildings and structures (except fences as approved by the Planning Commission) and permanently maintained in street trees and other landscaping, screened or protected by natural features, or as approved by the Planning Commission.
 - g. *Exterior Fencing.* Exterior fencing shall be provided as approved by the Planning Commission. Acceptable fencing materials include architecturally-designed brick or block fences, wrought iron fences, post and rail fences, vinyl fences, pre-cast concrete, or structural wood fences with square metal posts with tongue-in-groove redwood siding and redwood for all other wood members. Additional landscape buffers may also be required with the width and landscaping specifications as determined by the Planning Commission.
 - h. *Street Lights.* Appropriate street lighting is required. If the streets are to be dedicated to the public, the lights shall comply with the City's Street Light Plan. If the streets are private, the lights may be altered, but must be approved by the Planning Commission. The applicant shall submit a plan which indicates the type and location of street lights in relation to the proposed site landscaping.
- (4) *Development Standards.*
- a. *Required Elements.* Residential developments shall be guided by a total design plan in which the following development standards may be varied to allow flexibility and creativity in site design, building design, and location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as they determine appropriate. The Commission may require specific setbacks, a lower residential density, and a height limitation. This criteria shall be used by the Planning Commission principally to ensure the design objectives in this section of this chapter are met.
 - 1. *Feasible Development.* A planned unit development shall be of sufficient size, composition, and arrangement to enable its feasibility as a complete development.
 - 2. *Density.* The density allowed for a planned unit development shall be no greater than the zone in which it is located.

3. *Site Calculations.* Specific calculations addressing the percentage of open space (common and private), impervious versus pervious coverage, and site improvements must be submitted with all project applications.
4. *Lot Requirements.* No specific yard, setback, or lot size requirement shall be imposed in the planned unit development. However, the purpose and objectives of this section must be complied with in the final development plan. The Planning Commission may require certain setbacks within all or a portion of the planned unit development.
5. *Traffic Circulation.* Points of primary vehicular access to the planned unit development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the planned unit development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided.
6. *Driveways and Alleys.* When consistent with this title, a private driveway or alley may be provided for access to a maximum of four lots as long as sufficient guest parking is provided. A private driveway or alley must comply with all established standards in this title.
7. *Privacy.* Each planned unit development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of the property, the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
8. *Noise Attenuation.* When, in the opinion of the Director, a proposed planned unit development may be situated in a noisy environment which will adversely affect the peace, tranquility, and privacy of its inhabitants or surrounding inhabitants, an acoustical analysis may be required. Said analysis shall be conducted by a qualified acoustical engineer and include a description of the noise environment and the construction or other methods necessary to attenuate the noise to the required level according to the noise standards of Chapter 13-2.
9. *Security.* The development shall be designed to support security services, taking into account public safety recommendations from the Police Department.
10. *Pedestrian and Bicycle Paths.* Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths which may be physically separated from vehicular traffic to serve residential, nonresidential, and recreational facilities in or adjacent to the development. The Planning Commission may require connections to regional trail systems, activity centers, pedestrian and/or bicycle overpasses, underpasses, or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas, or other uses that will receive considerable pedestrian and/or recreational trails use from the development.

- b. *Desirable Amenities.* The following are desirable amenities or design options which may be required by the Planning Commission depending on the size, scale, impacts, and nature of each individual planned unit development project, including planned unit development zoning districts, conditional uses in residential districts, and overlay zones:
 - 1. Increase in common or private open space above the 40 percent minimum, particularly when the project contains significant non-buildable open space.
 - 2. Creation of significant recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
 - 3. Additional project landscaping and other open space amenities as may be deemed appropriate under a conditional use permit.
- (5) *Nonresidential Uses.*
- a. Noncommercial, nonresidential uses of a religious, educational, or recreational nature shall be designed primarily for the use of the residents of the proposed planned unit development. The applicant shall submit as part of the preliminary development plan such evidence to substantiate the request for such use as the Director may require.
 - b. Commercial uses proposed within the planned unit development shall be designed primarily for the use of the residents of the project. The developer shall provide a Fiscal Impact Study that shall demonstrate that the amount of land proposed is needed for such a commercial use, that it can realistically be supported by the residents of the project, and the impacts which will be imposed on the City's municipal services and tax base by such use. The Fiscal Impact Study shall be evaluated by the Planning staff and their findings communicated to the Planning Commission along with the preliminary development plan.
 - c. Commercial development within a planned unit development shall be located so as to be accessible in a manner that does not create traffic congestion or hazards to any street within or outside the planned unit development. Location, off-street parking, and loading requirements shall be identified and recommended by the Development Committee to the Planning Commission as appropriate to the particular planned unit development. Consideration shall be given to anticipated pedestrian, bicycle, and vehicular traffic adjacent to developments that may provide multiple use of off-street parking facilities and the types of commercial uses provided. Drive-thru services shall be excluded.
 - d. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and nonresidential development shall be designed as integrated portions of the total planned unit development and shall project the residential character.
- (6) *Maintenance of Common Facilities.*
- a. A planned unit development shall be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such

instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.

- b. The common open space and other facilities provided may be conveyed to a public agency or private association. The common open space, recreational facilities, and private streets (including a Road Maintenance Fund established by the original developer/builder) conveyed to a private association shall include, as part of the aforementioned instruments, a declaration of covenants and restrictions that will govern the association and shall require maintenance of any common facilities. The provisions shall include, but not be limited to, the following:
 1. The private association must be established prior to the sale of any unit.
 2. Membership must be mandatory for the original buyer and any successive buyers of a unit in a planned unit development, whether or not the unit is owner occupied or rented.
 3. The private association must be responsible for liability insurance, local taxes (if any), the maintenance of common open space and other facilities, rules and regulations outlining the powers, enforcement authority, and limitations of the association.
 4. Each member of the association shall be assessed a pro rata share of the costs incurred by the association, and the association shall have the power to collect those costs.
 - c. The Planning Commission may also require dedication of scenic easements to ensure open space shall be maintained. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final development plan, the City may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.
 - d. A Post-Construction Storm Water Maintenance Plan must be prepared and submitted with the plans for approval for all privately-owned or -maintained facilities that warrant compliance with the Utah General Construction Permit (UGCP) regulation, according to the Sandy City Development Standards and Requirements for Storm Water.
 - e. The owner of a development that warrants compliance with the UGCP regulation, must submit a signed Storm Water Maintenance Agreement using the Sandy City agreement template according to the Sandy City Development Standards and Requirements for Storm Water.
- (7) *Review Process.*
- a. *Development Review.*
 1. To help expedite review of a development proposal, prior to submitting an application for planned unit development, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.

2. If requested by staff, they shall attend a meeting at which representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, the Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
 3. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.
 4. Staff members may request that additional studies or information, such as Geotechnical Studies, Traffic Impact Analyses, Market Feasibility Analyses, or Water Needs Analyses, be submitted, together with the application for site plan review.
- b. *Application.* An application for a planned unit development must be submitted to the Community Development Department and must contain the information and, if the project is to be subdivided, be in the format required by the subdivision review procedure available from the Community Development Department. The application must include the following:
1. General Development Application Form.
 2. Preliminary plat, if the property is to be subdivided, including project size (acres), proposed lot lines, and plot designs.
 3. Landscaping Plan. A Landscape Plan, prepared under the direction of a licensed landscape architect or other qualified professional, shall be required for all open space required or provided in a planned unit development. Said Landscaping Plan shall indicate the spacing, sizes, and specific types of landscaping material. All open space provided shall be irrigated. The only exception shall be where the Planning Commission determines an area, because of its natural beauty or uniqueness, would be most beneficial to the project and the community if left in its natural or existing condition. Existing mature trees shall be preserved where appropriate. The location of trees must be considered when planning common open space, location of buildings, underground services, walls, paved areas, playgrounds, and parking areas.
 4. Architectural building elevations. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per types, nonresidential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures, and improvements.
 5. Grading and Drainage Plan. The existing site conditions including contours at two-foot intervals, watercourse, floodplains, unique natural features, and all existing mature trees.

6. Utility Plan. The existing and proposed utility systems (e.g., sanitary sewers, storm sewers and water, electric, gas, telephone lines, and cable).
7. Road Plan and profiles.
8. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas and other major points of access to public rights-of-way to the development including identification of jurisdictional control (including major points of ingress and egress to the development). Notations of proposed ownership, public and private, should be included where appropriate.
9. The existing and proposed pedestrian and bicycle circulation system including its interrelationship with the vehicular circulation system indicating proposed treatment of points of conflict.
10. Other studies and analyses requested by staff or the Planning Commission, which may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
11. Adjacent property information. Enough information on land areas adjacent to the proposed development to indicate the relationships between the proposed development and existing and proposed adjacent areas including land uses, zoning classifications, densities, traffic and pedestrian circulation systems, public facilities, and unique natural features of the landscape.
12. The proposed treatment of the perimeter of the development including materials and techniques used such as berming, landscaping, screens, fences, and walls.
13. Names and addresses of property owners within 300 feet of the proposed project on mailing labels from the Salt Lake County Recorder's Office (when required by staff).
14. Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
15. Fees as established by City Council.
16. The following written documents shall be submitted with the application:
 - (i) A legal description of the total site proposal for development including a statement of present and proposed ownership and present Land Use or Phasing Plan.
 - (ii) A statement of planning objectives to be achieved by the planned unit development through the particular approach prepared by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - (iii) Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for usable open space), total amount of nonresidential construction including a separate figure for commercial, public, quasi-public, or

private facilities, if applicable, fiscal impact studies, where necessary, environmental assessments, where necessary, and other studies as required by the Director.

17. Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plans described in this section. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC00000) for projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation.
18. For all projects that warrant compliance with the UGCP regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.
19. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:
 - (i) Land disturbing activity that generally disturbs one or more acres of land;
 - (ii) Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
 - (iii) Land disturbing of less than one acre of land, and if, in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
 - (iv) The creation and use of borrow pits;
 - (v) Development of a single-family home;
 - (vi) Processing of earthen materials such as top soil and gravel screening;
 - (vii) Construction of parking lots;
 - (viii) Demolitions.
20. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:
 - (i) Grading permit.
 - (ii) Subdivision Plan approval (residential).
 - (iii) Site plan approval (commercial).
 - (iv) Building permit.
 - (v) Road cut permit.
21. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.

22. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.
 - (i) The online SWPPP management system shall meet audit requirements of the State of Utah.
 - (ii) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in Subsection (7)b.20 of this section.
 - (iii) Reports and data shall be made available upon request.
 - (iv) City Staff shall have viewing access rights.
 23. As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.
 - (i) All development that warrants compliance with the UGCP, must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water.
- c. *Preliminary Review.*
1. If, prior to submitting the application for review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
 2. Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the site plan and subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agencies' standards.
 - (i) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - (ii) Upon resubmittal, the site plan and subdivision plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this title and other applicable

City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

- (8) *Planning Commission Review.*
- a. When preliminary review of the site plan and subdivision plat has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required. If the property is to be subdivided, the subdivision review requirements shall be complied with, including notice and hearing requirements.
 - b. The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
- (9) *Validity of Preliminary Review.*
- a. Once the Planning Commission determines that preliminary review is complete, the preliminary plat is valid for 12 months. The Planning Commission may grant a one-year extension of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval.
 - b. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one-year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.
 - c. If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment of the originally approved preliminary plat.
 - d. The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.
- (10) *Final Review.* After review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and subdivision plat, together with all supporting documents, which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission to the Community Development Department.
- a. The Community Development Department, along with the other reviewing departments and agencies, shall review the site plan and subdivision plat and supporting information to determine compliance with all requirements, corrections, additions, etc.

- b. After such determination, the item may be scheduled for review by the Planning Commission upon referral by the Director or upon the request of the Planning Commission. The final development plan shall be reviewed to determine substantial compliance of the final development plan with the preliminary development plan requirements. Said review shall also determine the final development plan's quality and compliance with the purpose and design objectives of a planned unit development. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form. In addition, any new items not submitted with the preliminary development plan, any final plats, any required dedication documents, and/or guarantee of improvements shall be submitted at this time.

(11) *Amendments to the Final Development Plan.*

- a. Minor changes in the location, siting, or character of buildings and structures may be authorized by the Director if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized under this subsection may cause any of the following:
 - 1. A change in the use and/or character of the development.
 - 2. An increase in the overall density and/or intensity of use.
 - 3. An increase in overall coverage of structures.
 - 4. A reduction or change in character of approved open space.
 - 5. A reduction of required off-street parking.
 - 6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, and utility networks.
 - 7. A reduction in required street pavement widths.
 - 8. Changes in storm drains, under drains, and/or irrigation.
- b. Any major changes in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of such a recommendation by the Planning staff. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

(12) *Failure to Begin Development.* If no substantial construction has occurred in the planned unit development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan shall be required for any development on the subject property. The Planning Commission, upon showing good cause by the developer, may extend the time for beginning construction a maximum period of 12 months for one time only.

(13) *Phased Planned Developments.* If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any

given stage of construction. A Phasing Plan, including size and order of phases, shall be approved by the Planning Commission if individual phases of the planned unit development exceed the overall density of the zone if the approved overall Phasing Plan does not exceed the maximum density of the zone. Such Phasing Plan shall have the written approval of all property owners. In addition, the approved Phasing Plan shall be submitted to the City Recorder for recordation with the County Recorder's Office as a covenant to run with the land.

(LDC 2008, § 15A-20-07; Ord. No. 10-26, 7-30-2010; Ord. No. 15-22, 7-15-2015; Ord. No. 15-22, 7-15-2015)

Sec. 21-20-8. Residential District RM (Multiple-Family).

(a) *Purpose.* The RM District is established to provide a medium to high density residential environment within Sandy City characterized by group and small multiple-unit housing and well planned site development.

(b) *Density.* The minimum square footage per unit in the RM District shall be established as shown in the table below. (Square footage is net square footage after necessary improvements and dedication.) Property over five acres in size shall follow the planned unit development standards.

Table of Minimum Land Area for Development for the RM Residential Zone

	<i>RM 4</i>	<i>RM 6</i>	<i>RM 8</i>	<i>RM 10</i>	<i>RM 12</i>
Single-family dwelling	10,000	8,000	6,800	6,200	5,600
Duplex	18,000	15,000	12,000	10,350	9,050
Four-plex units	40,000	29,000	22,500	18,650	15,950
Eight units	85,500	58,070	43,500	34,840	29,030
Twelve units	127,500	87,120	65,340	52,270	43,560
Sixteen units	169,500	116,160	87,120	69,690	58,070
Twenty-four units	261,360	174,240	130,680	104,540	87,120
PUD density in units/acre	6 u/a	12 u/a	15 u/a	18 u/a	21 u/a
Maximum number of units per structure	4	6	—	—	—
Required land area per unit above one up to RM Subclassification (i.e., RM-4 is up to 4 units, RM-6 is 6 units, etc.)	8,000	7,000	5,250	4,150	3,450
Maximum density per acre above RM Subclassification as an RM development (not a PUD)	4	6	8	10	12

Maximum size of RM development is five acres. Must be developed as a standard PUD District if over five acres in size

(c) *Building Setbacks.* Minimum front, rear, and side setback distances shall be required as established below. It shall be within the authority of the Director to determine which lines are considered as front, rear, and side property lines for the purpose of administering this section.

- (1) *Front Yard.* Any development in an RM District shall have a minimum front setback of 20 feet. A public street right-of-way shall be considered as the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, the area between the front property line and the building lines shall be known as the front setback area in all cases.

(2) *Side Yards.*

- a. If the side property line of a development does not abut a single-family residential district and the development is under one acre in size, all dwellings and other main buildings shall be set back from the side property line a distance of at least eight feet.
- b. If the side property line of a development does abut a single-family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 15 feet from the side property line.
- c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum side yard setback shall be determined by the Planning Commission. In no case shall the side yard setback be less than eight feet; if the development abuts a single-family residential property, the setback shall not be less than 15 feet.

(3) *Rear Yard.*

- a. If the rear property line of a development does not abut a single-family residential district and the development is under one acre in size, all dwellings and main buildings shall be set back from the rear property line a distance of at least 15 feet.
- b. If the rear property line of a development does abut a single-family residential district and the development is under one acre in size, all dwellings and main buildings must be set back at least 20 feet from the rear property line.
- c. If a development is over one acre in size, the impact on the surrounding area will be evaluated, and the minimum rear yard setback shall be determined by the Director. However, in no case shall the rear setback be less than 20 feet.

(d) *Special Standards; RM Districts.*(1) *Landscaping.* All landscaping shall be maintained in a neat and orderly fashion. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner.

- a. *Front Setback Area.* The entire area between the curb and the building or parking setback line shall be landscaped except for any access driveway or sidewalk in said area. In no case shall the front yard landscaping go to a depth of less than 20 feet.
- b. *Other Setback Areas.* A minimum five-foot landscaped buffer shall be placed along all property lines except where an accessory building may be allowed up to three feet of the property line.

(2) *Screening at District Boundaries.*

- a. Except in the minimum front setback area, an opaque screen shall be installed and maintained along all district boundaries other than streets where an RM development abuts areas zoned for single-family residential uses.

- b. Screening shall be to a height of six feet. A screen shall consist of one or any combination of the following types:
 1. *Walls.* A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material and shall conform to structural requirements of the International Building Code.
 2. *Berms.* A berm shall be constructed of earthen materials and shall be landscaped.
 3. *Solid Fences.* A solid fence shall consist of wood or vinyl or other such materials forming an opaque screen and shall conform to structural requirements of the International Building Code.
 4. *Open Fences.* An open weave or mesh type fence shall be combined with plant materials to form an opaque screen as approved by the Director.
 5. *Planting.* Plant materials used for screening shall be of a type or used in such a manner so as to provide an opaque screen having a minimum width of two feet.
 6. *Signs on Screening.* No signs or sign supports shall be permitted on any required screening.
 7. *Elevation Differences.* Notwithstanding the requirements listed above where the finished elevation of the property is lower at the boundary line (or within five feet inside the boundary line) than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this district.
 - (3) *Refuse Collection Area.* All outdoor refuse collection areas shall be visually screened from access streets and adjacent properties by a completely opaque screen.
 - (4) *Height of Buildings.* All buildings in an RM District shall be no higher than 35 feet. A dwelling structure less than ten feet in height above finished grade may be allowed only if it qualifies as an earth-sheltered dwelling.
 - (5) *Zero Lot Line Conversion.* Duplex dwellings that were in existence at the date of the passage of the ordinance from which this title is derived may be converted to zero lot line (twin home) use. For such conversion, minimum lot size regulations as provided in this section shall be required. All appropriate State Code and Building Code regulations for condominium conversion shall be required.
 - (6) *Standards for Business and Financial Services.* Buildings intended to house such uses in an RM District shall be designed to be compatible with a residential environment in architectural concept, scale, site design, and landscaping. Design will be approved at site plan review.
- (LDC 2008, § 15A-20-08; Ord. No. 16-36, 10-20-2016)

Sec. 21-20-9. Manufactured Home Residential District (MH).

(a) *Purpose.* The Manufactured Home Residential District (MH) is established to provide a medium-density residential environment within Sandy City for manufactured home homeowners that is characterized by a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life.

(b) *Area Requirement.* Manufactured home subdivisions shall have a minimum total development size of five acres.

(c) *Lot Size.* The minimum lot area for each double-wide dwelling shall be 5,000 square feet and for each single-wide dwelling, 4,000 square feet.

(d) *Frontage.* The minimum width of any lot for a double-wide dwelling shall be 50 feet and for a single-wide dwelling, 40 feet, measured 20 feet back from the property line.

(e) *Front Yard Requirements.* All buildings shall be set back a minimum of ten feet from the front property line.

(f) *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each property line a distance of at least six feet, and the total distance of the two side setbacks shall be at least 15 feet. The minimum side yards for a private garage and other accessory buildings or awnings shall be three feet. Side yard distances are to be measured from a point beginning at the outer edges of any overhangs or eaves. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten feet.

(g) *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line a minimum of ten feet. Accessory buildings shall be set back a minimum of three feet. Said rear yard distances are to be measured from a point beginning at the outer edges of any overhangs or eaves, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than six feet to such side yard.

(h) *Height of Buildings.* No building shall be erected to a height greater than 25 feet, and no dwelling shall be erected to a height less than one story above grade.

(i) *Manufactured Home Requirements.* All manufactured homes permitted for location in any mobile home subdivision shall conform to the laws, specifications, and requirements of the State of Utah National Manufactured Housing Construction and Safety Standards Act of 1974 and shall have attached proper certification that the mobile home conforms to the same.

(LDC 2008, § 15A-20-09)

CHAPTER 21-21. SUBDIVISION DESIGN STANDARDS*

Sec. 21-21-1. Purpose.

The purposes of this chapter are:

- (1) To promote the health, safety and general welfare of the residents of Sandy City.
- (2) To provide for the orderly development of the City, with adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other public requirements.

(LDC 2008, § 15A-21-01)

*State law reference—Subdivision regulations, U.C.A. 1953, § 10-9a-601 et seq.

Sec. 21-21-2. Curbs, Gutters, Sidewalks and Drive Approaches.

The City Engineer may recommend that curbs, gutters, and sidewalks be installed on all existing and proposed streets and along the frontage of any lot within a subdivision in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. Inspections by the Engineering Division are required for the installation of all curbs, gutters, sidewalks, and drive approaches. If the developer/builder fails to notify the Engineering Division for inspection prior to installation, the City Engineer may require remedial action, including, but not limited to, the removal and replacement of the improvements in question. Unless waived by the Planning Commission upon recommendation from the City Engineer, these improvements will be required.

(LDC 2008, § 15A-21-02)

Sec. 21-21-3. Residential Driveways.

(a) Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of 12 feet and shall not exceed the maximum width of 30 feet. A secondary drive approach may be permitted upon review and approval by the City Engineer.

(b) No downsloping driveways shall be permitted unless otherwise approved by the City Engineer due to unusual topographic constraints. The driveway must maintain a positive slope away from the home as required by the International Building Code.

(c) The minimum grade at which a driveway shall be allowed to be built is two percent slope, and the maximum grade at which a driveway shall be allowed to be built is 12 percent slope, except as hereafter provided. The City Engineer, under exceptional circumstances, may approve driveway slopes having a grade exceeding 12 percent and may impose conditions of approval to mitigate any hazards created by the steepness of the driveway.

(d) Residential driveways shall be constructed with a minimum concrete thickness of four inches installed on a minimum of six inches of compacted untreated base course or six inches clean, two inch minus sewer rock.

(LDC 2008, § 15A-21-03)

Sec. 21-21-4. Culinary Water Systems.

(a) The developer shall extend culinary water systems to each lot within a subdivision and shall be in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. The developer shall install water lines and laterals throughout the subdivision, extending to the farthest boundaries thereof, or beyond as may be determined by the City as necessary to provide service.

(b) All water utility trenches within Sandy City rights-of-way shall be compacted in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. All trenches located outside of Sandy City rights-of-way and located beneath the driveway or within five feet of any public improvement shall be backfilled in 12-inch maximum lifts and mechanically compacted. Backfill

and compaction operations shall be certified in writing to the City Engineer by the developer/builder through his licensed professional prior to the City issuing a Certificate of Occupancy. The location of the ends of all water laterals shall be located and marked at the property line by the developer.

(LDC 2008, § 15A-21-04)

Sec. 21-21-5. Fire Hydrants.

Fire hydrants shall be installed by the developer in accordance with the City's Standard Specifications and Details for Municipal Construction, the International Fire Code, and other local ordinances at locations designated by the Fire Department as approved on the final plat and City-approved construction drawings.

(LDC 2008, § 15A-21-05)

Sec. 21-21-6. Sanitary Sewer and Other Utility Systems.

(a) *Construction.*

- (1) The developer shall extend sanitary sewer systems to each lot in a subdivision in conformance with the requirements of the responsible sewer district and the Sandy City Standard Specifications and Details for Municipal Construction (SCSSDMC). The developer shall install main sewer lines and laterals throughout the entire subdivision, extending to the farthest boundaries thereof or beyond as determined by the City, or appropriate sewer district to be necessary to provide service.
- (2) All sanitary sewer trenches within Sandy City rights-of-way shall be compacted in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. All trenches located outside of Sandy City rights-of-way located beneath the driveway or within five feet of any public improvement shall be backfilled in 12-inch maximum lifts and mechanically compacted. Backfill and compaction operations shall be certified in writing to the City Engineer by the developer/builder through his licensed professional prior to the City issuing a Certificate of Occupancy. The developer shall locate and mark at the property line the location of the ends of sanitary sewer laterals. All new dwellings shall connect to proper sanitary facilities. This shall be reviewed as part of the building permit process.
- (3) All trenches for utility installation within Sandy City rights-of-way shall be compacted in conformance with the Sandy City Standard Specifications and Details for Municipal Construction (SCSSDMC). All trenches located outside of Sandy City rights-of-way located beneath the driveway or within five feet of any public improvement shall be backfilled in 12-inch maximum lifts and mechanically compacted. Backfill and compaction operations shall be certified in writing to the City Engineer by the developer/builder through his licensed professional prior to the City issuing a Certificate of Occupancy.

(b) *Connection.*

- (1) *Mandatory.* The owner or occupant of real property on which a building has been or is being constructed shall connect such building to the sewer system within 60 days after receiving written notice from the District or City that facilities of the sewer system are available for

connection to the building, if any part of such facilities of the sewer system are available for connection to the building, or if any part of such facilities is situated within 300 feet of any point of any property line of such property.

- (2) *Subsequent Use of Private Systems.* If connection to the sewer system is required pursuant to the previous subsection, the owner or occupant thereby required to connect shall immediately plug any septic tank or privy vault, remove any outhouse, fill with earth any cesspool located on his property, and make no further use of those or any other privately owned facilities for final sewage disposal. Any cesspool, outhouse, or unplugged septic tank or privy vault on property required to be connected to the sewer system is hereby declared to be a public nuisance.
 - (3) *Construction of Private System.* No person shall construct or cause to be constructed a septic tank or other privately owned means of final sewage disposal on property required to be connected to the sewer system by Subsection (b)(1) of this section.
 - (4) *Building Approval.* No newly constructed building required to be connected by Subsection (b)(1) of this section shall be issued a building permit approved for human occupancy if such building is not connected to the sewer system.
 - (5) *Conditions.* Nothing in this part as adopted shall be construed as creating any obligation on the part of the District or the City to connect any property to the Sewer System or retain any connection to the sewer system. The District may impose reasonable conditions and requirements for sewer connection without affecting the obligation of a private person to either connect to the sewer system, discontinue use of a private system, or otherwise comply with this section.
- (Revised Ords. 1978, § 18-1-6; LDC 2008, § 15A-21-06)

Sec. 21-21-7. Drainage Systems.

Surface water runoff drainage systems shall be designed to handle all runoff generated within the subdivision by a ten-year three-hour storm and routing of water generated by a 100-year, 72-hour storm. Such systems shall be designed and installed by the developer according to the Sandy City Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-21-07)

Sec. 21-21-8. High Water Table Areas.

(a) In areas with the potential of groundwater impacts, the City Engineer may require a Groundwater Investigation Study to be done by a geotechnical engineer and provided to the City for review with the application for final plat approval, to include the following:

- (1) Mitigation measures should be taken to ensure that homes will be protected from potential groundwater impacts, including a proposed method of groundwater disposal to be reviewed and approved by the City Engineer.
- (2) The developer shall provide groundwater information to each lot purchaser/owner and disclose the information on the plat.

(b) If required, groundwater drainage systems shall be designed and installed in accordance with construction standards and specifications determined by the City Engineer.

(c) All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer, or further if necessary to provide service.

(d) The developer shall install or replace, when required by the City, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems.

(e) The City may prohibit basements in high water table areas upon recommendation from the City Engineer.

(f) If a public utility is outside of the public right-of-way, the developer and subsequent home owner shall be responsible for maintenance.

(LDC 2008, § 15A-21-08)

Sec. 21-21-9. Alteration or Relocation of Natural Waterways.

(a) A request for alteration or relocation of a natural waterway shall first be submitted to the City Engineer and Public Utilities Chief Engineer to ensure the following:

- (1) The flow capacity and velocity of the waterway will not change with the proposed alteration or relocation.
- (2) The soils conditions in the proposed location will not increase flooding potential.
- (3) The proposed waterway can be maintained.

(b) After approval by the City Engineer and Public Utilities Engineer, alteration or relocation of any natural waterway shall be submitted and approved by the State Engineer's Office, Army Corps of Engineers (if jurisdictional wetlands are affected), and the Salt Lake County Flood Control Department, or its successor.

(LDC 2008, § 15A-21-09)

Sec. 21-21-10. Streets.

(a) All roads and roadway features are required to meet minimum geometric design standards established by the American Association of State Highway and Transportation Officials (AASHTO). All street and right-of-way improvements shall be designed and constructed in accordance with the Sandy City Standard Specifications and Details for Municipal Construction. All signs, pavement markings, and traffic control signals must meet standards established by the Manual on Uniform Control Devices (MUTCD), and related roadway standards established by state, federal, or local law. Exceptions to applicable standards may be granted by the City Engineer on a case-by-case basis and shall demonstrate innovative superiority or other advantages over existing standards.

(b) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Transportation Master Plan and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(c) Where the Transportation Master Plan does not show proposed streets, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas (providing for neighborhood connectivity with the purpose of spreading traffic); or
- (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission, after considering a recommendation by the City Engineer, to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(d) At least two points of ingress/egress shall be provided for each subdivision, PUD, or multifamily project.

(1) *Special Exception.* The Planning Commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the City Engineer and Fire Marshal, under the following circumstances:

- a. 30 or fewer lots are accessed from the single ingress/egress;
- b. The City Engineer and Fire Marshal have reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission with regards to a single point of ingress/egress; and
- c. The proposed development project has one or more of the following, as determined and recommended for approval or denial by the City Engineer and Fire Marshal to the Planning Commission:
 - 1. One or more cul-de-sacs, hammerheads, or other approved turn-arounds approved by the Fire Marshal and City Engineer, that comply with all development standards herein.
 - 2. An emergency access (a point of ingress/egress that provides access for emergency vehicles to respond to a building, or facility, in the event the main access is compromised. The design of this access must meet the International Fire Code).
 - 3. The future extension of a stub street that will provide additional access, including a temporary turn-around.
 - 4. All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official.

(e) Stub streets that are longer than 150 feet shall have a temporary turn-around.

(f) Street right-of-way widths shall be as shown on the Transportation Master Plan and, where not shown therein, shall not be less than the following:

<i>Street Type</i>	<i>Right-of-Way Width</i>
Major arterial	108+ feet
Minor arterial	86 feet

<i>Street Type</i>	<i>Right-of-Way Width</i>
Major collector	82 feet
Minor collector	68 feet
Local	52 feet
Private street/lane type	Right-of-way width
Private street	32 feet (27 feet pavement width minimum)
Private lane	20 feet pavement width minimum

(g) Half streets are prohibited.

(1) *Special Exception.* The Planning Commission may grant a special exception to allow less than a full-width dedication and improvements only in the following circumstances:

- a. Where it can be shown by the developer that it is essential to the development of the subdivision;
- b. All other aspects of the subdivision are in conformance with the other requirements of these regulations;
- c. The City Engineer recommends to the Planning Commission that it will be practicable to require the dedication and improvements to the other half when the adjoining property is developed; and
- d. A minimum pavement width of 20 feet will be required as recommended by the City Engineer.

(h) A cul-de-sac is discouraged, but may be permitted on local streets and shall be terminated by a turn-around of not less than 92 feet in diameter, as measured from top back of curb to top back of curb. A cul-de-sac shall not exceed 400 feet in length in a residential zone. A cul-de-sac length is measured from its intersection with another street to the end of the cul-de-sac turn-around.

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles.

(j) No street names shall be used which will duplicate the names of existing streets. Street names are subject to the approval of the Salt Lake County Recorder's Office.

(k) Local streets shall be laid out to provide neighborhood connectivity so that traffic is distributed out evenly.

(l) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a local access street approximately parallel to and on each side of such right-of-way.

(m) Where a subdivision abuts or contains existing back-facing lots or a proposed arterial or collector street, the Planning Commission may require local access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other such treatment as may be necessary for adequate protection of residential properties and to provide separation of thru and local traffic.

(n) Parkstrips and sidewalks shall be required on all streets. They shall be designed and installed according to the City's Standard Specifications and Details for Municipal Construction. The Planning Commission may waive either one or both of these improvements, after considering a recommendation from the City Engineer and Fire Marshal. The following criteria must be evaluated prior to waiving these improvements:

- (1) The number of homes within the subdivision.
- (2) The length of a cul-de-sac.
- (3) The precedence of adjoining improvements.
- (4) The configuration of lots.
- (5) Where the only other alternative is a private road design.

(o) The Fire Marshal, Police Chief, and City Engineer are authorized to recommend an approval or denial to the Planning Commission for the installation of security gates across Fire Department access roads if all of the following criteria can be met:

- (1) Compliance with the 2012 International Fire Code, or as amended.
- (2) Gates are placed on private or common area property and must be located at least 20 feet from the public right-of-way.
- (3) Gates are not within an area designated as a sight triangle by the City Engineer.
- (4) A turn-around shall be provided at the entrance of the gate for passenger cars. This will require a minimum of a 30-foot road width and a 12-foot opening in any potential median prior to the gate.
- (5) The minimum gate width shall be 20 feet.
- (6) Gates shall be of the swinging or sliding type.
- (7) Construction of gates shall be of materials that allow manual operation by one person.
- (8) Gate components shall be maintained and operational at all times and replaced or repaired when defective. Should the gate not be operational, the gate shall be left in an open position or removed until it can be certified by the Fire Marshal through an independent vendor that it functions properly.
- (9) Electric gates shall be equipped with a means of opening the gate by Fire Department personnel for emergency access. Emergency opening devices shall be approved by the Fire Marshal.
- (10) Manual opening gates shall not be locked with a padlock or a chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box is installed containing the keys to the lock.
- (11) Locking device specifications shall be submitted to the Fire Marshal for approval.
- (12) For all electronic gates, the HOA or private lane/gate owners shall apply for an annual gate permit and supply verification of yearly maintenance records with two phone numbers for responsible parties to the Fire Marshal.

(p) Bollards are prohibited within any public or private right-of-way, unless permission is granted by the City Engineer and Fire Marshal based upon restricted vehicle access and protection of fire hydrants. (LDC 2008, § 15A-21-10; Ord. No. 14-29, 9-28-2014)

Sec. 21-21-11. Additional Standards for Private Streets/Lanes.

(a) Public street systems shall be required for access to all residential dwelling sites, unless it is demonstrated by the developer that a public street cannot be constructed due to the following issues: property width, connectivity (or the inability to connect to the existing street patterns), topographical concerns, overall subdivision design, utility connections, and the ability to provide service, which includes, but is not limited to, snow plowing, street sweeping, trash collection and overall street maintenance.

(b) If a private street/lane is allowed by the Planning Commission and, in the event that the developer desires to include the private street/lane as part of the lots square footage, then the developer will be required to simultaneously with the recordation of the subdivision or PUD plat to include language that discloses, including a written provision in any perpetual restrictive covenants to state:

"In the event the developer, declarant, or future owners of any lot within the subdivision desire to dedicate their private street/lane to the City, the individual lots will be required to meet the per lot square footage requirements for the existing zone, exclusive of any square footage now being used for the private street/lane access (including the required sidewalks) that are being requested to become a City-owned dedicated right-of-way."

(c) If the requested street/lane property dedication would result in any lot not meeting the City standards (e.g., minimum lot square footage required in the zone), then the requested dedication will be denied by the City.

(d) A private street is a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves more than two lots and is greater than 150 feet in length. The following regulations apply to all proposed new developments. Existing roads that provide access to legally subdivided lots, or lots of record, may be allowed to remain at current widths unless it does not meet current Fire Code standards. If it does not meet current fire standards, upon any new development application, the subject property will be required to comply with current development standards.

(1) Approved private streets for access to residential dwelling structures shall have a 27-foot minimum width paved surface (32-foot right-of-way). The Planning Commission may grant a special exception to allow less than a 27-foot pavement width, after considering a recommendation from the City Engineer and Fire Marshal. The City Engineer and Fire Marshal will consider the following conditions when making a recommendation to the Planning Commission for approval of a narrower pavement width:

- a. Existing site conditions, topography, improvements, etc.;
- b. Fire access and water availability;
- c. Number of lots based on zoning;
- d. Lot dimensions including frontage;

- e. Flood control and storm drain; and
 - f. Public utilities.
- (2) Private streets shall have appropriate turn-arounds at the termini of the road as required by the Sandy City Standard Specifications and Details for Municipal Construction.
 - (3) A full-size fire apparatus must be able to negotiate the roadway without any backing maneuvers to the termini of the roadway. The applicant must demonstrate compliance through turn movement modeling software that is approved by the City Engineer. Vehicle size model is to be 2011 AASHTO Figure 2-6, City Bus.
 - (4) Private streets that have less than 27 feet of pavement width shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances shall be maintained at all times.
 - (5) The Director and City Engineer shall have the authority to require a sidewalk (five feet minimum) on one or both sides of the private street based upon pedestrian safety.
 - (6) All private streets, including termini, shall be constructed in accordance with the latest edition of the Sandy City Standard Specifications and Details for Municipal Construction, this title, and all other applicable City ordinances.
 - (7) If a private street is approved, a Capital Reserve Study (as per the Condominium Ownership Act (U.C.A. 1953, § 57-8-1 et seq.) and the Community Association Act (U.C.A. 1953, § 57-8a-101 et seq.) will be required and a Reserve Fund shall be established for the Homeowners' Association, based on the study, so that the street is continually maintained as designed. Street maintenance, sweeping and snow/trash removal is the responsibility of the Homeowners' Association.
- (e) A private lane is a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves one or two lots, and is less than 150 feet in length.
- (1) Approved private lanes for access to residential dwelling structures shall have a 20-foot minimum width paved surface. A full size fire apparatus must be able to negotiate the roadway without any backing maneuvers to the termini of the roadway. The applicant must demonstrate compliance through turn movement modeling software that is approved by the City Engineer. Vehicle size model is to be 2011 AASHTO Figure 2-6, City Bus.
 - (2) The City Engineer and Fire Marshal shall have the authority to require an increase in the minimum widths if:
 - a. They determine that a 20-foot width is inadequate for fire or fire rescue operations.
 - b. After consideration of the potential for vehicle congestion, condition of terrain, climactic conditions or other factors would limit access.
 - (3) Private lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances shall be maintained at all times. Street maintenance, sweeping, and snow/trash removal is the responsibility of the lot owners which access the private lane.

- (4) All private lanes shall be constructed to meet Public Utility Department requirements related to water and storm drainage.
- (5) The maximum length of a private lane shall be 150 feet, with an approved turn-around, unless otherwise approved by the Planning Commission after considering a recommendation from the Director, City Engineer, and Fire Marshal. The Planning Commission may grant a special exception to exceed the length of a private lane beyond 150 feet, after recommendation from the Director, City Engineer, and Fire Marshal. These individuals will consider the following conditions when making a recommendation to the Planning Commission for approval of a longer private lane:
 - a. Proximity of buildable space;
 - b. Appropriate turn-around;
 - c. Slopes;
 - d. Fire hydrants; and
 - e. Service delivery
- (6) All private lanes, including termini, shall be constructed in accordance with the latest edition of the Sandy City Standard Specifications and Details for Municipal Construction, this title, and all other applicable City ordinances.
(LDC 2008, § 15A-21-11; Ord. No. 14-29, 9-28-2014)

Sec. 21-21-12. Buffering Along Streets.

Residential developments shall not permit motor vehicle access directly onto an arterial street or roadway from individual residential lots. No new residential developments shall be permitted within the City which abut an arterial without requiring improvements along the entire length of the development as it abuts the arterial street. The following standards shall apply:

- (1) The Planning Commission may require a barrier wall six feet in height (measured from the highest elevation on either side of the wall). Where soil retention is required, walls may be up to eight feet in height (retaining wall and barrier wall combined). Wall design and coloration shall be determined by the Planning Commission. The use of alternative wall materials, appearance, and color is encouraged. Concrete strips placed at the base of the fence shall be required to eliminate gaps between walls and sidewalks.
- (2) Curb, gutter, and sidewalk shall be designed to specifications approved by the City Engineer.
- (3) A landscaped buffer between the sidewalk and street curb shall be installed according to SCSSDMC. In order to facilitate the planting of street trees, an eight-foot parkstrip and five-foot sidewalk is the standard requirement. Reduced parkstrip and sidewalk width may be approved based upon the size, scale, and nature of the project, and the type of existing improvements on adjacent properties. However, a ten-foot cross-section (five-foot parkstrip, five-foot sidewalk) is a minimum and may necessitate tree planting behind the sidewalk.
- (4) Sprinkling system and water connections sufficient to maintain landscaping in all buffer areas shall be approved by the Public Utilities Department and Parks and Recreation Department.

- (5) An additional landscaped buffer, including sprinkling and water connections, may be required by the Planning Commission between the sidewalk and barrier wall, where it is impractical for the barrier wall to abut the sidewalk. The specific width of the buffer and landscaping specifications shall be determined by the Planning Commission upon recommendation by the Parks and Recreation Director at the time of subdivision review.

(LDC 2008, § 15A-21-12)

Sec. 21-21-13. Protection Strips.

Reserve or protection strips controlling access to streets shall be prohibited. However, where said streets to which access is controlled, parallel property of other owners which are contiguous and which other property can be reasonably inferred to be benefitted by said street or the utilities within it, it shall be allowed under the following criteria:

- (1) It has received approval of the Mayor, after review and recommendation by City staff and the Planning Commission.
- (2) It is no less than one foot nor more than five feet in width and is located abutting the dedicated street and between the street and the adjacent property.
- (3) It is placed within the boundaries of the recorded subdivision and is specifically indicated as undedicated property and as a protection strip.
- (4) It is not located at the end of or within the boundaries of a public or proposed street or within any area indicated for future public use.
- (5) The developer/subdivider shall execute an agreement with the City that said strip shall be deeded to the adjacent owner, his heirs, executors, or assigns upon payment of consideration of not more than the fair cost of:
 - a. The land within the protection strip;
 - b. The street improvements properly chargeable to the contiguous property; and
 - c. The value of one-half of the land within the street at the time of agreement.
- (6) The said agreement shall have force and effect for no longer than ten years, at which time any remaining interest of the developer/subdivider shall vest in the City for use as a dedicated right-of-way. A deed shall be submitted with the agreement conforming to such requirements.
- (7) The agreement shall provide that an abutting owner, his heirs, executors, or assigns may purchase said protection strip in whatever portion he may desire, provided that no portion shall be less than that attributable to a normal size lot for the existing subdivision, and no less than that portion attributable to lots then being developed, sold, or improved by said adjacent owner, his heirs, executors, or assigns, and the portion purchased is used in relation to a building lot and not as a right-of-way only.
- (8) The agreement shall provide that the developer/subdivider creating it shall maintain the protection strip, whatever its size, until such time as the ownership is transferred in the manner set forth above.

(LDC 2008, § 15A-21-13)

Sec. 21-21-14. Block Length.

- (a) The lengths, width, and shapes of blocks shall be determined by the following:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Zoning requirements as to lot size and dimensions.
 - (3) Needs for convenient access, circulation, control, and safety of street traffic.
 - (4) Limitations and opportunities of topography.
- (b) Block lengths shall not exceed 1,200 feet.

(c) Pedestrian crosswalks shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities in accordance with the SCSSDMC.

(LDC 2008, § 15A-21-14)

Sec. 21-21-15. Bridges, etc.

The developer/subdivider shall pay all costs of designing and constructing, or installing any bridge, pipe, culvert or other structure required by the City to provide access or to cover any ditch, canal, jurisdictional wetlands, etc., within the subdivision or adjacent thereto.

(LDC 2008, § 15A-21-15)

Sec. 21-21-16. Walkways and Trails.

(a) Walkways with a width of six to ten feet may be required within a subdivision. This will be determined on a case-by-case basis after review by City staff.

(b) The developer may be required to dedicate a sufficient amount of property to be used exclusively as a pedestrian access walkway. Such parcels to be dedicated shall be located in a position within the development as may be determined by the Planning Commission. The parcel shall also be of a size large enough to allow for such a walkway, such size to be determined by the Planning Commission.

(c) The developer may be required to install upon the walkway such improvements as determined by the Planning Commission and the City Engineer. All such improvements shall be erected and constructed in accordance with standards as may be established by the Planning Commission and City Engineer.

(LDC 2008, § 15A-21-16)

Sec. 21-21-17. Survey Monuments.

Survey monuments shall be indicated on the final plat. A permit and approval from the Salt Lake County Surveyors Office for the installation of survey monuments must be obtained prior to the setting of any survey monuments and before any subdivision improvements are accepted.

(LDC 2008, § 15A-21-17)

Sec. 21-21-18. Easements.

(a) Easements for utilities and drainage shall be provided where necessary as determined by various public utility agencies, the Public Utilities Department, and the Public Works Department.

(b) Easements for surface water runoff drainage, canals, irrigation ditches, waterways, clear vision areas and rights-of-way within the subdivision and across adjoining property may be required by the City when necessary to properly serve the subdivision or protect its citizens.

- (1) Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The developer/subdivider shall work with canal, ditch, drainage, irrigation companies, and the Public Utilities Department as to:
 - a. Methods of covering, realigning, or eliminating ditches or canals within or adjoining the subdivision.
 - b. The size of pipe and culverts required.
 - c. The responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts shall be approved by the Public Utilities Department. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the Public Utilities Department and City Engineer in accordance with the City's Standard Specifications and Details for Municipal Construction.
- (2) The developer/subdivider may be required to install a six-foot non-climbable fence or its equivalent along all open ditches, canals, waterways, open reservoirs or other bodies of water, railroad rights-of-way, and other such features of a potentially hazardous nature, on or contiguous to the property being subdivided as determined by the Planning Commission.
- (3) After installation and acceptance by Sandy City, individual property owners are responsible for maintenance of fences or portions of fences erected upon their property and shall hold Sandy City harmless for any and all defects of workmanship, maintenance, repair and liability arising from the erection or intended use of said fence.

(c) Easements for public trails shall be provided where necessary as determined by various public agencies, including the Sandy City Parks and Recreation Department, the Salt Lake County Parks and Recreation Department and the U.S. Forest Service.

(LDC 2008, § 15A-21-18)

Sec. 21-21-19. Public Utilities.

(a) The developer shall be responsible for the installation of service lines prior to street paving.

(b) All utilities which will serve the parcel being subdivided shall be buried beneath the surface of the ground and shall be located within the easements provided for such use or within the streets at a location to be determined by the City.

(c) All utility structures shall be included as part of the construction drawings submitted with the final plat.

(d) There shall be no above ground utility structures placed in a street, but they may be placed out of the public right-of-way in the easement as approved by the Public Utilities Department and the Public Works Department.

(LDC 2008, § 15A-21-19)

Sec. 21-21-20. Street Lighting.

(a) The developer shall follow the requirements as outlined in this Code.

(b) The street lights shall be placed as approved by the Public Utilities Director. Such items to be approved include appropriate distance, alternating sides of street, location upon the property, street light type, height, and illumination intensity as determined by the City's Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-21-20)

Sec. 21-21-21. Lots.

(a) Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of this title and shall be platted as part of a subdivision. No parcel of land shall be created or left unplatted which is either undevelopable or serves merely as a nuisance or lot remnant.

(b) Except as may be otherwise provided in this title, all lots shall have the required frontage upon a dedicated and improved street. Exceptions may include the following:

- (1) Residential building lots that do not have frontage upon a public street shall obtain a special exception from the Planning Commission as part of the preliminary review process.
- (2) Commercial building lots within a recorded subdivision are exempt from this requirement. They may be developed without direct frontage upon a public street.

(c) Where a canal abuts a subdivision, the area or portion of the canal which is located in the lots shall not be included in the computation of total lot size nor side or rear yard setbacks for purposes of determining compliance with this title.

(d) All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the City. The front corners of the lot shall be marked as per the Sandy City Standard Specifications and Details for Municipal Construction.

(e) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

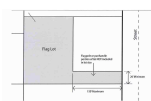
(f) Where possible, side lot lines shall be substantially at right angles to street lines.

(LDC 2008, § 15A-21-21)

Sec. 21-21-22. Flag Lots.

In order to encourage the more efficient use of land, flag or L-shaped lots may be approved by the Planning Commission as a special exception (a permitted use within the Sensitive Area Overlay District) subject to the following criteria:

- (1) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
- (2) The staff portion of said lot shall front on and be contiguous to a dedicated public street or private street. The minimum width of the staff portion of a flag lot shall be 20 feet and the maximum length shall be 150 feet, unless otherwise approved by the Planning Commission after considering a recommendation of the Fire Marshal.
- (3) No building or construction, except for driveways, shall be allowed on the staff portion of said lot, unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and street lights).
- (4) The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts, unless otherwise determined by staff on a case-by-case basis.
- (5) The staff portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
- (6) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
- (7) The front, side and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
- (8) No more than two flag lots can be served by the staff portion.
- (9) The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision, unless otherwise approved by the Planning Commission. The Planning Commission may allow more than 20 percent if the subdivision is an infill development and the lot configuration is the most efficient use of land.
- (10) The approved building envelope shall be illustrated upon the final plat.
- (11) Below is an example of a flag lot and is included herein to illustrate the concept of flag or L-shaped lots.



(LDC 2008, § 15A-21-22; Ord. No. 14-29, 9-28-2014)

Sec. 21-21-23. Seismic Areas.

Any subdivision or lot on or adjacent to a seismic area shall comply with provisions of the Sensitive Area Overlay Zone.

(LDC 2008, § 15A-21-23)

Sec. 21-21-24. Public Sites and Open Spaces.

Where deemed appropriate by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such areas for schools, parks, and other neighborhood purposes.

(LDC 2008, § 15A-21-24)

Sec. 21-21-25. Waivers.

Any waiver authorized by the Planning Commission as allowed in this title shall be shown on the final plat and the reasons for such waiver shall be entered in writing in the minutes of the Planning Commission meeting.

(LDC 2008, § 15A-21-25)

CHAPTER 21-22. MANUFACTURED HOME PARKS

Sec. 21-22-1. Purpose.

The purpose of this chapter is to:

- (1) Permit variety and flexibility in land development for residential purposes by allowing the use of manufactured homes in certain districts within the City.
- (2) Ensure that manufactured home development will be of such character as to promote the objectives and purposes of this title, to protect the integrity and characteristics of the zone districts contiguous to those in which manufactured home parks are located, and protect other use values contiguous to or near manufactured home parks uses.
- (3) Encourage manufactured home parks to be located adjacent to or in close proximity to an arterial or collector street.

(LDC 2008, § 15A-22-01)

Sec. 21-22-2. Provisions Applying to Manufactured Homes and Manufactured Home Parks.

(a) *Location and Use.*

- (1) No manufactured home shall be located, placed, used, or occupied in Sandy City except within approved manufactured home subdivisions, manufactured home parks, or manufactured homes sales lots.
- (2) A portion of a manufactured home park may be used as a recreational vehicle park providing all applicable requirements of this title for the zoning district are met.

(b) *Storage in Sales Lots.* Manufactured homes may be stored, displayed, sold, and serviced in a sales lot as permitted in the Land Use Matrix, Permissible Uses and Standards, but shall not be used for living or office purposes.

(c) *Storage in Manufactured Home Parks.* Recreational vehicles may be accommodated in an approved and licensed manufactured home park provided:

- (1) The recreational vehicle storage area is surrounded by a six-foot opaque fence.
- (2) The recreational vehicle storage area shall have direct access from within the manufactured home park.

(LDC 2008, § 15A-22-02)

Sec. 21-22-3. Application for Review and Approval of a Manufactured Home Park.

(a) *Approval.* Manufactured home parks may not be constructed unless first approved by the Planning Commission. The proposed development will:

- (1) Be in keeping with the general character of the zone district within which the proposed development will be located.
- (2) Be located on a parcel of land containing not less than ten acres, or on two or more parcels separated by a street or alley only and totaling at least ten acres.
- (3) Have at least 25 spaces completed and ready for occupancy before first occupancy is permitted.
- (4) Meet all the standards and requirements of this title and all other requirements of applicable ordinances of Sandy City.
- (5) Have written approval from all appropriate governmental entities and utility companies.

(b) *Overall Plan Requirement.* An overall plan for development of a manufactured home park shall be submitted to the Planning Commission for site plan review. The plan shall be drawn to a scale no smaller than one inch equals 30 feet and provide the following:

- (1) The proposed street and manufactured home space layout.
- (2) Site design of parks, playgrounds, and open spaces.
- (3) Tabulations showing percent of area to be devoted to open space, amenities, manufactured home spaces, and total area to be developed.
- (4) Proposed location of parking spaces for residents, guests, and recreational vehicle storage for manufactured home parks.
- (5) Any other data that the Planning Commission or the Director may require.
- (6) When applicable, all subdivision review standards must be followed.

(LDC 2008, § 15A-22-03)

Sec. 21-22-4. Standards and Requirements.

Approval of a manufactured home park shall be subject to the following conditions and regulations, as well as any conditions imposed by the Planning Commission:

- (1) The number of manufactured homes shall be limited to ten units per acre. The manufactured homes may be clustered provided the total number of units does not exceed the number permitted on one acre multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and visitors.
- (2) Not less than 18 percent of the manufactured home park shall be landscaped.
- (3) No manufactured home (excluding awning or carport) shall be located closer than 15 feet from the nearest part of any other manufactured home. All manufactured home add-ons shall be set back at least ten feet from road curbs or walks. If the tongue of a manufactured home remains attached, it shall be set back a minimum of six feet from the road curbs and/or walks.
- (4) All areas not covered by manufactured homes, hard surfacing, or buildings shall be landscaped in a manner approved by the City, and such landscaping shall be permanently maintained.
- (5) All off-street parking spaces and driveways shall be hard surfaced before the manufactured home spaces may be occupied.
- (6) Within 45 days of occupancy, each manufactured home shall be skirted. Shields may be used provided they are fire-resistant, weatherproofed, well-painted, or otherwise preserved.
- (7) A strip of land at least ten feet wide (within the property limits of the park) surrounding the entire park shall be left unoccupied by manufactured homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development. Where a manufactured home park abuts a residential lot other than a manufactured home park, such strip shall be at least 20 feet wide.
- (8) All storage and solid waste receptacles outside the confines of any manufactured home must be housed in an enclosed structure compatible in design and construction to the manufactured home and to any service buildings within the development. The service buildings shall be constructed to standard commercial practice and kept in good repair as approved by the Chief Building Official.
- (9) No manufactured home space shall be rented for a period of less than 30 days.
- (10) There shall be at least one off-street parking space for each mobile home pad and one space for visitor parking.
- (11) The roadways shall be of adequate width to accommodate anticipated traffic, but not less than the following, unless modified by an approved planned unit development plan:
 - a. For two-way traffic: 30 feet (lease line to lease line).
 - b. Publicly-dedicated streets shall meet City standards.
- (12) A manufactured home park shall have at least two vehicle accesses to public streets.

- (13) Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development in accordance with the Standards and Specifications and Details for Municipal Construction (SSDMC).
 - (14) A manufactured home park shall provide individual utility services to every manufactured home pad or lot as required by Sandy City ordinances.
 - (15) In addition to meeting the above requirements and conforming to the other laws of the City, all manufactured home parks shall conform to requirements adopted by the appropriate governmental entities and utility companies.
- (LDC 2008, § 15A-22-04)

Sec. 21-22-5. Maintenance of Premises; Manufactured Home Parks.

(a) *General.* The premises on which any manufactured home park is located, used or occupied, shall be maintained in a clean, orderly, and sanitary condition. The accumulation of any rubbish, waste, weeds, or other unsightly material shall constitute a nuisance and a violation of this title for which the City may direct removal of the mobile home from the premises.

(b) *Maintenance of Common Facilities.* For manufactured home parks, adequate and reasonable guarantees must be provided for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees shall be in the form as otherwise provided in this title for bonding for improvements.

(c) *Park Manager.* The developer/owners shall establish and appoint a park manager. The manager shall be locally available and authorized to receive, process, and fully represent the interests of the owners with respect to management and maintenance of the park.

(d) *Business License.* Prerequisite to the operation of any manufactured home park, a Sandy City business license shall be obtained.

(LDC 2008, § 15A-22-05)

Sec. 21-22-6. Compliance with Other Regulations.

All manufactured homes shall comply with and conform to all applicable Federal and local regulations.

(LDC 2008, § 15A-22-06; Ord. No. 13-13, 6-5-2013)

**CHAPTER 21-23. COMMERCIAL, OFFICE, INDUSTRIAL, AND TRANSIT CORRIDOR
DEVELOPMENT STANDARDS**

Sec. 21-23-1. Purpose and Applicability.

(a) *Purpose.* The commercial, office, industrial, and transit corridor district development standards are intended to provide a set of standards whereby developments can be designed into well-planned commercial and industrial centers using the latest industry ideas and techniques.

(b) *Scope.* This chapter establishes performance and development standards to encourage and facilitate orderly growth and well-planned development within Sandy City. These standards are intended to ensure good building and overall site design, good architectural design and visual appearance, street layout, parking design, pedestrian design, appropriate fencing, buffering, and screening, as well as compliance with the district regulations and other provisions of this title relating to public health, safety, and general welfare of the overall community. The standards set forth within this chapter shall be interpreted to be the minimum standards within the district unless otherwise stated.

(c) *Applicability.* Uses permitted and conditional shall conform to the development standards provided in this title and to the application procedures for the development.

(d) *Applicability of Other Code Chapters.* Uses permitted and conditional under this chapter shall also conform to the applicable development standards provided elsewhere in this title. Uses shall also conform to any overlay zone requirements that are applicable. Uses permitted as a conditional use shall also comply with the requirements for conditional use permits.

(LDC 2008, § 15A-23-01)

Sec. 21-23-2. Ancillary Uses.

All permitted and conditional land uses within each district may conduct ancillary uses provided such use is not regulated by other sections or is listed as a prohibited land use in the district. Certain ancillary uses may be allowed if determined to be compatible with the primary use as determined by the Planning Commission.

(LDC 2008, § 15A-23-02)

Sec. 21-23-3. General Commercial and Industrial Development Standards.

Development shall occur according to the following general standards and requirements, as well as the development requirements listed in the individual districts. In all cases, the more restrictive development standards shall govern.

- (1) *Site Plan Review Required.* Site plan review with City staff is required of all new, modified, and expanded development projects. Additionally, the site plan may be required to be reviewed by the Planning Commission as may be specified within a zoning district or if the necessity is determined by the Director.
- (2) *Architectural Design Standards.* All retail commercial, office, industrial, and institutional developments shall follow all standards listed in the Architectural Design Standards adopted by Sandy City.
- (3) *CPTED (Crime Prevention Through Environmental Design) Principles.*
 - a. The developer is required to consider the basic principles of CPTED when designing the site plan, Landscape Plan, and architectural design for a project. Use of the CPTED principles is strongly encouraged in the interest of the future security of the project from both the owner as well as the customer's standpoint. The concept of CPTED is based

upon the theory that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime and be an improvement in the quality of life.

- b. The following principles should be taken into account in the design of all buildings and developments:
 1. *Natural Surveillance*. Physical design that keeps potential intruders under the perception of continual watch, using "eyes on the street" (e.g., view to streets, driveways, and parking lots), and visual permeability in architecture, lighting, and landscaping.
 2. *Natural Access Control*. Physical design that guides the mobility of people and decreases crime opportunity and increases perception of risk to potential offenders.
 3. *Territorial Reinforcement*. Physical design that encourages users of property to develop ownership over it, developing space with an easily discernable purpose, using symbolic barriers such as low lying fences/walls, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.
 4. *Management and Maintenance*. Responsibility for managing and maintaining the property. Show that someone cares about seeing that the property is in a presentable appearance and is secure for the customers that use the facility.
 5. *CPTED Landscaping Standards*. These should be used including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of seven feet above walkways and sidewalks and 14 feet above vehicular travel and parking lanes. This shall be accomplished through proper pruning practices, not by clear cutting, topping trees or other pruning for exposure techniques.
 6. *Public Safety*. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, solid windowless walls are not permitted adjacent to streets, pedestrian areas, and open space amenities.
 - (i) Symbolic barriers such as low lying fences/walls, landscaping and signage shall be used to discourage crime and to promote safety.
 - (ii) Ground floor parking garages shall not be permitted immediately adjacent to streets, unless permitted by the Planning Commission.
 - (iii) Developments shall have street side building elevations with extensive windows, balconies, decks, or landscape terraces being encouraged.
- (4) *General Building Locations and Setbacks*. In addition to the specific building setback requirements listed in each individual district, the following general standards shall apply:
 - a. No building shall be closer than six feet from any private road, driveway, or parking spaces in order to allow areas adjacent to the building for foundation landscaping and buffering of pedestrian walkways. Exceptions may be made for any portion of the building that contains a drive-up window or where the Planning Commission may approve a zero-foot setback.

- b. Except as specified in the Storefront Conservation Floating Zone, the public right-of-way boundary shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public right-of-way boundary, all such sides shall be considered as front property lines.
- c. In all cases, the area between the front property line and the building shall be known as the front yard.
- d. Table of Minimum Building Setbacks. All measurements are in feet and all front setbacks are measured from the top back of curb.

<i>District</i>	<i>Front Standard Setback*</i>	<i>Side, Shared Party Walls Allowed</i>	<i>Side, No Shared Walls</i>	<i>Side, Abut Residential**</i>	<i>Rear, Standard</i>	<i>Rear, Abut Residential District**</i>
RC District	25	Y	10	30	20	30
CC District	25	Y	10	30	20	30
CN District	25	Y	10	30	20	30
CN(HSN) District	0-25 ¹	Y	0-10 ¹	30	0-20 ¹	20
BC District	25	Y	10	30	10	30 ²
CvC District	25	Y	10	30	20	30
HBD District	0-25 ³	Y	0-10 ³	0-15 ³	0-15 ³	0-15 ³
CR-PUD District	25	Y	0	0	0 ⁴	0 ⁴
LC District	25	Y	10	30	10	30
PO District	25	Y	10	30	30	30
ID District	25	Y	10	30	1	30
CBD District	25 ⁶	Y	10	30	20 ⁶	30
CBD-P District	See Note #6 below					
CBD-O District	See Minimum landscape standards for CBD Zone					
CBD-A&C District	See Note #6 below					
Automall District (Dealer Area)	94	Y	15	—	0 ⁵	—
Automall District (Commercial Area)	25	N	10 ⁵	—	10 ⁵	—
RD District	25 ⁷	Y	10	10	20 ⁷	20 ⁷

*Except as modified by the Storefront Conservation Floating Zone, a minimum of 15 feet from the back of sidewalk shall be maintained for all buildings regardless of the minimum setback shown in the table, except where a zero-foot setback is allowed and used.

**Exception: For commercial developments with a dedicated open space area (canal, trail, etc.), between the proposed development and an adjacent residential district, the setback can be reduced to a minimum of ten feet from the commercial developments property line rather than the typical 30 feet.

Notes:

1. *CN(HSN) District.*
 - a. *Front Yard.* All buildings shall be setback between zero to 25 feet from the front property line unless otherwise noted below or approved by the Planning Commission during site plan review.
 1. Where a structure is proposed to be constructed on a site adjacent to existing structures that have been built on or near the front property line, the proposed new structure shall follow that precedent.
 2. Where new construction is proposed for a vacant corner lot on a block with no setback from the street, the proposed new construction shall again follow that model.
 - b. *Side Yard.* Where the side yard abuts another commercial district property, a building shall extend to the property line or be no closer than ten feet from the side property line and be developed as specified elsewhere in this Code.
 - c. *Rear Yard.* Where the rear yard abuts another commercially zoned property, a building shall extend to the property line or be located no closer than 20 feet from the rear property line.
2. *BC District.* When the development abuts a residential district, the rear setback shall be a minimum of 30 feet.
3. *HBD District.* Where a structure is proposed to be constructed on a site adjacent to existing structures that have been built on or near the front property line, the proposed new structure shall follow that precedent. Where new construction is proposed for a vacant corner lot on a block with no setback from the street, the proposed new construction shall again follow that model. Where a structure is proposed to be constructed on a block where there is no zero lot line precedent and where the existing pattern of development shows front and side yard setbacks, the proposed project shall conform to a zero lot line pattern where possible.
4. *CR-PUD District; Rear Yard.* None except where visible from right-of-way or Interstate 15. Where a rear yard is visible from the right-of-way or Interstate 15, the rear yard setback shall be 20 feet.
5. *AM District.*
 - a. *AM District; Dealership Area.*
 1. *Front, Side and Rear Setback for Parking Structures.* The setback for parking structures that are used for vehicle inventory/display may be reduced by the Planning Commission after considering the following factors:
 - (i) Height and configuration of the structure.
 - (ii) Relationship and impact to other buildings on-site and on adjoining properties.
 - (iii) Location of any public utility easements.
 - (iv) Visibility from vehicular approaches.

2. *Rear Setback.* Minimum ten-foot rear yard setback when adjacent to commercial area. Minimum 50-foot rear yard setback when adjacent to Interstate 15.
 - b. *AM District; Commercial Area.* Side and rear setbacks may be reduced to five feet if developed in conjunction with an adjoining lot development. Rear setbacks may be reduced to zero feet if totally screened from view.
6. *CBD Districts.*
- a. *CBD and CBD-O.*
 1. Building and parking setbacks along Interstate 15 shall be a minimum of 50 feet or an average of 50 feet with no point closer than 40 feet. For new developments in the CBD Zoning District over ten acres in size, the Planning Commission may be allowed to modify the setbacks after considering the following factors:
 - (i) Overall Master Plan layout of the project.
 - (ii) Relationship and impact to other buildings on-site and adjoining properties (present and future).
 - (iii) Physical features such as rail lines, canals, and controlled ingress and egress.
 - (iv) Location of any public utility easements.
 2. Side and Rear Yard for CBD. The Planning Commission may approve, during site plan review, a zero side and/or rear yard setback for parking structures that are placed underneath or behind the main building, or for manufacturing uses, if they determine there would not be a negative impact on adjacent properties, after considering the following factors:
 - (i) Height and configuration of parking structure or manufacturing use.
 - (ii) Relation and impact to other buildings on-site and adjoining properties (present and future).
 - (iii) Natural land features such as slopes and vegetation.
 - (iv) Physical features such as rail lines, canals, and controlled ingress and egress.
 - (v) Location of any public utility easements.
 - (vi) Visibility from vehicular approaches.
 - b. *CBD-P.*
 1. *Front Setback.* In order to encourage a "Main Street" effect along the Parkway, buildings shall maintain a zero lot line front setback from the approved sidewalk and streetscape profile of Centennial Parkway and Segoe Lily Drive (10000 South). Buildings that originate within the CBD-P District with a zero lot line front setback may continue that setback for the length of the building into the CBD District. This reduced setback does not apply to other non-contiguous structures within the development. Front setback variations may be used when an activity related to pedestrian use is maintained (e.g., outside seating for restaurants, urban streetscapes).

2. *Side and Rear Setbacks.* Zero lot line side setbacks with attached structures in compliance with the International Building Code are required except for pedestrian access and usable open space areas. Rear setbacks shall be of sufficient depth to allow required parking and landscaped areas to the rear of the buildings.
 - c. *CBD-A&C.*
 1. *Front Setbacks.* Front setbacks of buildings shall maintain a zero-foot setback from the approved sidewalk and streetscape profile. Variations shall be required for building articulation and when an activity is related to pedestrian use (e.g., outside seating for restaurant, pedestrian walking areas, residential courtyards, etc.). A maximum setback of ten feet is allowed for residential courtyards.
 2. *Side and Rear Setbacks.* Zero-foot setback may be approved by the Planning Commission for all other lot lines.
7. *RD District.*
- a. *Front Yard.* All buildings shall be set back at least 25 feet from all public streets. Unless otherwise approved by the Planning Commission, with a recommendation from the City Transportation Engineer, based upon future transportation needs for the City, there shall be no parking between the building and a public street. Said area shall be landscaped or developed into a pedestrian plaza (e.g., fountain, seating, landscape planters, etc.).
 - b. *Rear Yard.* Unless nonresidential uses are developed conjointly, buildings shall be set back at least 20 feet from rear property lines.
 - c. *Table of Maximum Building Heights.* All building heights are measured in feet and are measured to the peak of the roof, if pitched, or to the top of the roof parapet, if flat. If the building is located upon a slope, then the base measurement point is taken from the average finished grade.

<i>District</i>	<i>Building Height</i>	<i>Max Height within 250 feet of Residential District</i>
RC District	See Note #3 below	
CC District	35 ²	35
CN District	40	40
CN(HSN) District	40	40
BC District	50 ⁴	40
CvC District	30	30
HBD District	40	40
CR-PUD	70	70
LC District	40	40
PO District	25 ⁸	25 ⁸
ID District	80 ⁵	40
CBD District	140 ⁶	35 ⁶
CBD-P Subdistrict	See Section 21-23-21(a)	
CBD-O Subdistrict	See Section 21-23-21(a)	
CBD-A&C Subdistrict	See Section 21-23-21(a)	
AM District, Dealership Area	40 ¹	N/A

<i>District</i>	<i>Building Height</i>	<i>Max Height within 250 feet of Residential District</i>
AM District, Commercial Area	40 ¹	N/A
RD District	80 ⁷	80 ⁷

Notes:

1. *AM District.* An additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 70 feet.
2. *CC District.* Additional height is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 50 feet.
3. *RC District.*
 - a. *East of State Street.* Buildings within 100 feet of an R-1 Residential District boundary may be erected to a maximum height of 40 feet. An additional height bonus of one additional foot of height per additional two feet from the required minimum setback may be granted up to a maximum height of 60 feet. The Planning Commission may increase the required setback or require additional architectural elements for buildings taller than 35 feet from the east property line, if, after due consideration, the Commission deems it necessary to mitigate any negative impacts that the proposed development may have on residential development.
 - b. *West of State Street.* Buildings may be built to a maximum height of 75 feet. Buildings where appurtenances are constructed for the purpose of mitigating noise and/or light may be built to a maximum of 115 feet. For those developments where any portion of a building is within 100 feet of an R-1 Residential District boundary, they may be erected to a maximum height of 40 feet. An additional height bonus of one additional foot of height for each additional two feet of setback from the required minimum setback may be granted up to a maximum height of 60 feet for any portion of the building within the 100-foot buffer area. Maximum building height shall be measured from average finished grade to the top of the roof.
4. *BC District.* No building shall exceed a height of 40 feet from average finished grade to the peak of the roof line, except that an additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 39 feet) to a maximum height of 50 feet.
5. *ID District.* East of Interstate 15, buildings shall be erected to a height no greater than 40 feet for any part of the building intended for human occupancy.
6. *CBD Districts.*
 - a. *West of State Street.* Buildings may be built to a maximum height of 140 feet or no more than ten stories.
 1. Exceptions:
 - (i) Multifamily buildings (including vertical mixed use buildings that contain residential uses) may be allowed up to 140 feet without restriction on the number of stories.

- (ii) The Planning Commission may approve a building taller than 140 feet, or more than ten stories, not to exceed 20 stories, after considering the following factors:
 - A. Overall Master Plan layout of the project, which may include the size, scale, location, and topography of the property.
 - B. Relationship and impact to other buildings on-site and adjoining properties.
 - C. Unique architectural design.
 - b. *East of State Street.* Buildings within 100 feet of an R-1 Residential District boundary may be erected to a maximum height of 40 feet to the peak of the roof. An additional height bonus of one foot per additional two feet from the required setback may be granted up to a maximum height of 65 feet.
 - 7. *RD District.* Buildings may be built to a maximum height of 80 feet west of Interstate 15 and 65 feet east of Interstate 15. For those developments that are east of Interstate 15, any portion of a building within 100 feet of an R-1 Residential District boundary may be erected to a maximum height of 40 feet to the peak of the roof. An additional height bonus of one foot per additional two feet from the required setback may be granted up to a maximum height of 65 feet for any portion of the building beyond the 100-foot buffer area.
 - 8. *PO District.* Actual building height may exceed the height limitation in the building height matrix if the required building setbacks (front, side, and rear) are increased by a ratio of one foot of height for every two feet of additional setback. The height may be increased up to a maximum of 50 feet to the peak of the roof. If additional height is desired, the development must include all of the following five additional design criteria:
 - a. *Open Space.* The increase in height creates additional usable open space that would otherwise not be available if additional height is not granted.
 - b. *Landscaping.* Additional landscape elements (either hardscape or greenscape) soften the appearance of the building and provide additional buffer areas adjacent to a residential district.
 - c. *Aesthetics.* The proposed building design and architecture are distinctive, unique, and compatible with the immediate surroundings (both manmade and natural).
 - d. *Impact on Residential Areas.* The proposed building height provides for a reduced impact on adjacent residential districts (e.g., varied building setback, unique roof line, residential appearance, etc.).
 - e. *Gathering Place/Plaza.* The increased height creates a unique people place that will create local interest. Such places might include a fountain, a pedestrian plaza, usable landscaping, etc.
- (LDC 2008, § 15A-23-03; Ord. No. 12-15, 5-15-2012; Ord. No. 14-24, 9-4-2014; Ord. No. 14-35, 11-13-2014; Ord. No. 14-37, 11-24-2014; Ord. No. 16-01, 1-14-2016; Ord. No. 18-14, § 1(exh. A), 6-5-2018)

Sec. 21-23-4. Lot Size and Width.

Lots shall be of sufficient size and width to assure compliance with all requirements of this chapter. (LDC 2008, § 15A-23-04)

Sec. 21-23-5. Public Improvements.*(a) General.*

- (1) The developer of the project shall be responsible for the dedication and improvement of all off-site public improvements that do not presently exist according to the width of the ultimate right-of-way, as called out in the Transportation Element of the Sandy City General Plan, on or along the property being developed. If a property has multiple street frontages, improvements are required along all streets.
- (2) Such improvements shall include, but are not limited to, curb, gutter, sidewalk, streetlights, drive approaches, waterways, road base, asphalt, striping, streetscape, storm drainage, fire hydrants, copper laterals, piping of irrigation ditches and flood control systems, fencing of canals, extension of water lines, appurtenances and sewer lines, removal of utility lines out of the right-of-way (with the exception of traditionally buried lines such as sewer, water, and natural gas transmission lines), etc.

(b) Other Off-Site Improvements. The developer may also be responsible for other off-site work such as participation in the cost of such items as traffic lights and traffic medians that are related to the impacts created by a particular project.

(c) Compliance with City Specifications. All required improvements shall be designed and installed by the developer according to the Sandy City Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-23-05)

Sec. 21-23-6. Parking Lots and Loading Areas.

(a) General. There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off street parking space with adequate provision for ingress and egress in accordance with the requirements herein.

(b) Parking Areas, Development, and Maintenance. Every parcel of land used as a public or private parking area, including a commercial parking lot for automobiles, farm equipment, or other open air sales lot, shall be developed and maintained consistent with the approved site plan for the project.

(LDC 2008, § 15A-23-06)

Sec. 21-23-7. Screening at Boundaries of Residential Districts.

(a) Masonry Wall. For commercial and industrial developments abutting residential districts (except recognizable holding zones for future commercial or industrial development), an opaque masonry wall shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses.

(b) *Height.* Except where otherwise provided, the opaque masonry wall shall be a minimum of eight feet in height. If requested by the adjacent residents, the Planning Commission may approve a lower wall based upon unusual circumstances (e.g., views, landscaping, etc.). A lower height wall may be required adjacent to a front property line for sight distance and traffic safety.

(c) *Grade.* Where there is a difference in elevation on opposite sides of the wall, the height of the required wall shall be measured from the highest elevation.

(d) *Signs are Prohibited.* No signs or sign supports shall be permitted on any required wall.

(e) *Materials.* Acceptable construction materials for walls shall be brick, ceramic tile, stone, pre-cast concrete panel, concrete block, or such other masonry materials as the Director may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Chief Building Official.

(f) *Other.* Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district (e.g., hillside developments, developments adjacent to dedicated open space), the Director shall review and may approve other methods of screening such as bermed landscaping, open style fencing, screen height, placement of screen, or other types of screening. (LDC 2008, § 15A-23-07)

Sec. 21-23-8. Storage and Display Areas.

(a) *Storage Areas.* Storage areas, including, but not limited to, areas containing vehicle storage, merchandise, or equipment, etc., shall be paved with hard surface paving (unless otherwise approved by the Director) and screened with decorative opaque fencing and landscaping. Each wall or fence shall be at least six feet in vertical height or equal in height to the material to be screened and shall be sufficient to screen facilities from view of a public street and neighboring lots.

(b) *Outdoor Displays.* Outdoor displays in front of buildings and within parking lots (e.g., lawnmowers, trailers, tires, garden supplies, plants, sheds, fencing, building materials, and general merchandise) shall only be displayed in front of buildings and within parking lots as shown on the approved site plan for the development. Said displays shall not block pedestrian walkways and shall maintain a minimum setback of ten feet from driveways.

(1) *General Display Standards.* Vehicles, equipment and other merchandise for sale or rent may only be displayed within the required front landscape setback upon the approval of designated concrete, or decorative brick paver display pads to be shown on an approved site plan for the development.

(2) *Display Pad Standards.*

- a. No more than two display pads are allowed within the required front landscape area for each 100 feet of owned or leased property street frontage (i.e., greater than 150 feet of frontage would allow up to three display pads, but less than 150 feet would be limited to two display pads).
- b. Display pads may cover up to a maximum of 25 percent of the required front landscape area and shall not be more than two feet in height above the sidewalk grade.

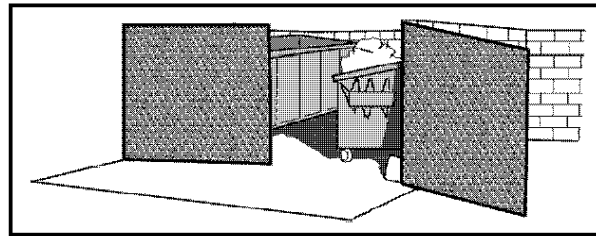
- c. All display pads shall have landscaping to surround the pads on the front (facing the street) and both sides to a width not less than five feet. Landscaping shall consist of additional combinations of shrubs and ground covers to enhance and soften the pad appearance.
- d. All displays shall be kept within approved display pads.

(c) *Traffic Safety.* No outside displays (either permanent or temporary) shall be permitted to block required driveways, traffic visibility, traffic and parking aisles, parking spaces, public rights-of-way (including sidewalks), nor be located upon any landscaped area (other than on approved display pads).

(d) *Distance from Residential District.* No outdoor storage shall be located within 30 feet of any district zoned for residential use.
(LDC 2008, § 15A-23-08)

Sec. 21-23-9. Trash Enclosure Areas.

(a) *Design Standards.* Enclosures shall be provided for all garbage and/or recycling containers (dumpsters), and design of said enclosure shall be consistent with the Sandy City Architectural Design Standards.



(b) *Gates.* Enclosure material shall be composed of solid masonry, a minimum six feet high, compatible with adjacent buildings with opaque gates to be closed when not in use. Gate frames shall be made of solid metal, and facing may be solid metal or other durable materials approved by the Director.

(c) *Screening.* Each enclosure and its gates shall be equal in vertical height to the trash dumpster to be screened and be sufficient to screen said facilities from view from public and private roads and neighboring lots.

(d) *Location.* No dumpster shall be permitted in the required front building setback, nor shall it block required driveways, traffic and parking aisles, parking spaces, or sidewalks.

(e) *Setbacks.* No dumpster shall be located within five feet of any side or rear commercial property line or ten feet of any side or rear property line adjacent to a residential district.

(f) *Access.* Public roads shall not be used directly for refuse collection.
(LDC 2008, § 15A-23-09; Ord. No. 14-37, 11-24-2014)

Sec. 21-23-10. Roof-Mounted Mechanical Equipment.

(a) *Screened.* All roof-mounted mechanical equipment and vents (including swamp coolers) shall be screened entirely from view from adjacent public rights-of-way and properties. This may be accomplished using one or more of the following alternatives:

- (1) A separate continuous screening system.
- (2) Groupings of pieces of mechanical equipment with an architecturally designed screening system that blends with the architectural design and materials of the proposed building.
- (3) Extension of the building's parapet walls to screen the equipment from public view.

Note: Line of sight drawings will not be accepted as proof of roof equipment screening.

(b) *Engineered.* All roof-mounted mechanical equipment (including its height above the roof) and the proposed screening system shall be shown to scale on the building's structural plans and approved by the Director prior to issuance of a building permit. Said roof screen systems shall also be designed, structurally engineered, and stamped by a licensed engineer for drifting snow and wind loads, and approved by the Plans Examiner of the Building and Safety Division.

(LDC 2008, § 15A-23-10)

Sec. 21-23-11. Lighting.

(a) *Spotlights.* Reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking, and loading areas, provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking, and loading areas.

(b) *Light Spill.* No unshielded lights, reflectors, spotlights, strobe lights, or search lights shall be so located so that they are pointed towards or are directly visible from public rights-of-way. All lighting shall be shielded and directed downward to avoid light spill beyond the property line. Unshielded, exterior wall-mounted floodlights (wall packs) are prohibited. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive light.

(c) *Appropriate Lighting.* Pole mounted fixtures are required for parking lot lighting. Lighting of pedestrian pathways is also required. Lighting of buildings and site identification signs are permitted.

(d) *Site Drawings.* Design and location of standards and fixtures shall be specified on the site development drawings. The use of color corrected high pressure sodium (white light) light fixtures is strongly encouraged.

(LDC 2008, § 15A-23-11)

Sec. 21-23-12. Utilities.

(a) 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, backflow 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.

(b) 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.

(c) 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.

(d) Where overhead poles exist, service lines to new developments must be placed underground from the nearest overhead service pole.

(e) 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 poles.

(f) 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 the 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.

(g) 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.

(h) 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 five feet from any sidewalk or parking lot curbing. Said utility boxes shall not be located within any required traffic sight triangle, 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.

(LDC 2008, § 15A-23-12; Ord. No. 09-01, 3-5-2009; Ord. No. 11-07, 5-3-2011; Ord. No. 16-34, 10-29-2016)

Sec. 21-23-13. General Maintenance.

(a) Property (including all buildings, landscaping, fences, walls, drives, parking lot surfacing and striping, signs, or other structures) shall be maintained in good repair and in accordance with the approved site plan for the project.

(b) Roads and pavements shall be kept true to line and grade and in good repair.

(c) Drainage ditches shall be kept clean and free of any obstructions.

(d) A Post-Construction Storm Water Maintenance Plan must be prepared and submitted with the plans for approval for all privately-owned or -maintained facilities that warrant compliance with the Utah General Construction Permit (UGCP) regulation, according to the Sandy City Development Standards and Requirements for Storm Water.

(e) The owner of a development that warrants compliance with the UGCP regulation, must submit a signed Storm Water Maintenance Agreement using the Sandy City agreement template according to the Sandy City Development Standards and Requirements for Storm Water.

(LDC 2008, § 15A-23-13; Ord. No. 15-22, 7-15-2015)

Sec. 21-23-14. Grading and Drainage.

(a) *Approval.* A site plan with grading, drainage, and clearing plans (including proposed vegetation removal) shall be approved by the Community Development, Public Utilities and Public Works Departments before any such activities begin.

(b) *Adjoining Lots.* Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

(c) *Natural Grade.* Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of the natural grade.

(d) *Sensitive Areas.* Grading shall not occur on any land where the natural slope is equal to or in excess of 30 percent in accordance with the provisions of the Sensitive Area Overlay Zone.

(e) *Erosion and Sediment Control Measures.* Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plans described in this section. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC00000) for projects that warrant compliance with the Utah General Construction Permit regulation.

(f) *Notice of Intent (NOI).* For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.

(g) *Storm Water Pollution Prevention Plan (SWPPP)*. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:

- (1) Land disturbing activity that generally disturbs one or more acres of land;
- (2) Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
- (3) Land disturbing of less than one acre of land, and if, in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
- (4) The creation and use of borrow pits;
- (5) Development of a single-family home;
- (6) Processing of earthen materials such as top soil and gravel screening;
- (7) Construction of parking lots;
- (8) Demolitions.

(h) *SWPPP and/or NOI Submittal and Approval*. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:

- (1) Grading permit;
- (2) Subdivision Plan approval (residential);
- (3) Site plan approval (commercial);
- (4) Building permit;
- (5) Road cut permit.

(i) *Use of State Template*. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.

(j) *Internet-Based Management System*. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.

- (1) The online SWPPP management system shall meet audit requirements of the State of Utah.
- (2) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in Subsection (h) of this section.
- (3) Reports and data shall be made available upon request.
- (4) City staff shall have viewing access rights.

(k) *Low Impact Development (LID)*. As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.

(1) All development that warrants compliance with the UGCP, must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water. (LDC 2008, § 15A-23-14; Ord. No. 15-22, 7-15-2015)

Sec. 21-23-15. Reciprocal Access.

Provisions for reciprocal access and common driveways are required between all abutting developments in planned commercial centers and between abutting, separately owned commercial developments, unless not found to be practical by the Director in consultation with the Transportation Engineer. This will provide for a continuous flow of vehicles from one parking lot to another and prevent the need for unnecessary ingress and egress to the public street.

(LDC 2008, § 15A-23-15)

Sec. 21-23-16. Alcoholic Beverages; Distance Requirements.

(a) *Location Restricted for On-Premises Consumption, State Store, or Package Agency*. Any establishment requesting to be licensed, for the on-premises consumption of alcoholic beverages, a State store or a package agency will not be located in proximity of a school, church, public library, public park or public playground unless that establishment is able to comply with all provisions of Section 32B of the Utah Alcoholic Beverage Control Act.

(b) *Reduced Distance Review*. If a Alcohol Beverage Restaurant Full Service and/or Limited License, Alcohol Beverage On-Premises Recreational Beer Retailer, Alcohol Beverage Reception Center License and/or Alcohol Beverage On-Premises Banquet and Catering License, Alcohol Beverage Single Event Permit and/or Alcohol Beverage Temporary Beer Permit, State store, package agency or Social Club establishment is requesting to be licensed for the sale and/or consumption of alcoholic beverages, and that establishment will be located within the prescribed proximity to a school, church, public library, public park or public playground as described in Section 32B of the Utah Alcoholic Beverage Control Act, the Sandy City Planning Commission, when permitted by State Code, may reduce the distance requirement from a church, public library, or a public park as part of a variance request to be supplied to the Utah Alcoholic Beverage Control Commission.

(c) *Definitions for Alcoholic Beverage Proximity Restrictions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Church* means a building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated. The main body is kept for that use and not put to any other use inconsistent with its primary purpose and which is tax exempt under the laws of the State of Utah.

- (2) *School* means any building (public or private) used primarily for the general education of minors.

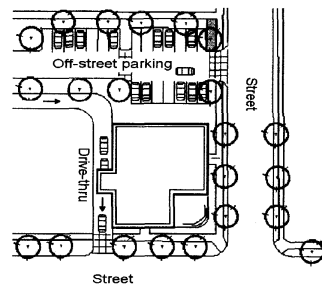
(LDC 2008, § 15A-23-16)

Sec. 21-23-17. Drive-Up/Drive-Thru Windows (Food and Non-Food Uses).

The following regulations shall apply to all drive-up/drive-thru window uses (including food service, service retail, general retail and financial services):

- (1) *Adjacent to Residentially Zoned Property.* Drive-up/drive-thru windows shall not be located directly adjacent to residentially zoned property. Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building (when located on the same side of the street as the drive-thru use) or separated by a major arterial road.
- (2) *Stacking (Queuing) Spaces.* Stacking lanes shall be provided for all drive-up/drive-thru service windows.
 - a. *Minimum Queuing Spaces Required.* The following number of queuing spaces shall be provided per lane (these are in addition to the required parking space for each use):
 1. Drive-thru restaurants: a minimum of nine spaces (five spaces before the order board, three spaces before the pick-up window and one dedicated space beyond the pick-up window for customers waiting for food pick up).
 2. Financial institutions: a minimum of three spaces in each teller lane.
 3. Pharmacy: a minimum of two spaces in each lane.
 4. Dry cleaners: a minimum of two spaces.
 5. Coffee kiosks: a minimum of three spaces for each service window.
 6. Thrift shop drop off: a minimum of five spaces for each drop off lane.
 - b. *Queuing Design Standards.*
 1. Queuing lanes shall not be allowed to wrap around in front of the main building entrance doors, nor block required back out areas for adjacent parking spaces, unless there is no other alternative for location of the building and drive thru lanes on the site.
 2. Queuing lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
 3. All drive-thru queuing areas shall also provide a separate escape lane.
 - c. *Maximum Queuing Lanes.* Queuing lanes shall be limited to a maximum of the following number of lanes per business use (including ATM lanes):
 1. Drive-thru restaurants: two lanes.
 2. Financial institutions: six lanes.
 3. Pharmacy: two lanes.
 4. Dry cleaners: one lane.

- 5. Coffee kiosks: two lanes (one on each side of the building).
 - 6. Thrift shop drop off: three lanes.
- (3) *Placement of Building.* It is strongly encouraged to place the building adjacent to public streets and to utilize provisions of Chapter 21-14 to enhance the building site. Placement of the building beyond the required setback lines is discouraged and must be specifically approved by the Planning Commission if no other viable alternative exists.



- (4) *Speaker Boxes.* Speaker boxes designed to communicate from the ordering window/menu board shall not be audible on any residential property adjacent to the business and shall comply with Chapter 13-2.
 - (5) *Alcohol Restrictions.* No restaurant establishment that has a drive-up window will be allowed to have an alcohol license of any kind.
- (LDC 2008, § 15A-23-17; Ord. No. 17-09, 3-9-2017)

Sec. 21-23-18. Automotive Service Stations (Includes Stand-Alone Gas Stations and Convenience Stores with Gas Pumps).

- (a) *Purpose.* The purpose of this section is to mitigate adverse impacts on adjoining streets and properties caused by auto service stations, which are intense uses characterized by large areas of paving which permit vehicles to maneuver freely.
- (b) *Site Organization.*
 - (1) *Spatial Relationship.* Structures on the site should be spatially related (e.g., buildings should be organized into a simple cluster).
 - (2) *Driveways.*
 - a. Driveway cuts shall be limited and located as far from the intersection as possible and are required to be shared with adjacent uses and/or properties, where possible, to eliminate traffic conflicts at intersections.
 - b. Driveways shall be designed and located to ensure a safe and efficient movement of traffic on and off the site.
 - c. No more than one two-way driveway shall be permitted for any street frontage up to 100 lineal feet.

- d. No more than two one-way access driveways shall be permitted for any street frontage regardless of lineal feet.
- (3) *On-Site Vehicle Storage.* Areas in which autos, trailers, etc., are stored as an accessory use must be screened by a wall or opaque fencing to a minimum height of six feet.
- (c) *Special Requirements.*
- (1) *Patron Vehicle Servicing.* Areas should be provided on self-service station sites to allow patrons to service their vehicles with air and water. These facilities should be located where they do not obstruct circulation patterns of the site.
 - (2) *Car Washes.*
 - a. Car wash structures will not be permitted within 50 feet of residential developments.
 - b. Automatic car wash facilities should provide areas for vacuuming and drying of vehicles upon exiting the car wash structure. These areas shall be located where they do not obstruct circulation patterns of the site.
 - c. A minimum of eight feet of space shall be provided between the exit of the car wash structure and any cross driveway to allow for sight distance of vehicles in the crossing driveway.
- (d) *Pump Island Canopy Design.*
- (1) *Setbacks.* Fuel pump island canopies located at service stations shall be set back a minimum of 20 feet from all front property lines.
 - (2) *Vehicle stacking.* Each pump island should generally include stacking space for a minimum of two vehicles (total of 40 feet) on-site so that driveways within the site or adjacent street areas are not utilized for waiting customers. Pump island stacking shall not encroach upon required parking space back out areas (24 feet minimum) or two-way driveways for general site circulation (24 feet minimum).
 - (3) *Lighting.* All canopy illumination and lighting directed toward the ground shall be recessed into the canopy.
 - (4) *Vertical Clearance.* There shall be a minimum clearance of 13½ feet to the bottom of the canopy above grade.
 - (5) *Height.* Vertical canopy fascia utilized for signage may not exceed four feet in height, and the height to the top of the vertical fascia may not exceed 20 feet from grade unless otherwise approved by the Planning Commission.
- (e) *Architectural Design.*
- (1) All building elevations shall follow the Sandy City Architectural Design Standards.
 - (2) The length of pump canopies shall be minimized as much as possible. If the site allows, pump canopies shall be broken up into two separate locations. This reduces the effect of pump canopies dominating other buildings on the site.

- (3) Pump island structural columns shall use the same architectural materials as the main building (e.g., stone, brick, etc.), and shall run from ground level to the bottom of the canopy.
- (4) Gas tank vents shall be an integral part of the building design in terms of form, color and texture.

(f) *Speaker Boxes.* Speaker boxes designed to communicate from pump islands shall not be audible on any residential property adjacent to the business and shall comply with Chapter 13-2. (LDC 2008, § 15A-23-18; Ord. No. 10-23, 7-12-2010; Ord. No. 10-42, 12-14-2010)

Sec. 21-23-19. Extended Hours Within 250 feet of a Residential District.

Any commercial use located within 250 feet of a residential district where such commercial use desires to operate after 10:00 p.m. and/or before 6:00 a.m. shall require a separate conditional use approval from the Planning Commission. (LDC 2008, § 15A-23-19)

Sec. 21-23-20. Industrial Uses Within 300 feet of a Residential District.

Any industrial use located within 300 feet of a residential district shall require a separate conditional use approval from the Planning Commission. (LDC 2008, § 15A-23-20)

Sec. 21-23-21. Additional Specific Nonresidential Development Standards (Standards Unique to Each Individual District).

(a) *Central Business District (CBD).*

- (1) *Purpose of CBD District.* The Central Business District Zone is established to stimulate economic development by providing a unique planning environment for large-scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within planned commercial centers which will serve the south valley area.
- (2) *Residential and Mixed Use Concept.* The concept of residential and mixed use is allowed in the CBD Zone and represents a departure from traditional zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible. The inclusion of residential dwellings is allowed on sites of sufficient size to assure adequate site development and a satisfactory and safe residential environment. Where residential uses are included, the objective of the mixed use concept is to create self-contained communities in which residents may walk to work, shopping and recreational facilities.
- (3) *Architectural Review.* An Architectural Review Committee, as established by joint resolution of the City Council and Mayor, shall review all buildings to be erected in the Central Business District and its subdistricts prior to its submission to the Planning Commission. The Committee, in accordance with Sandy City's Architectural Design Standards, shall review each proposed building's architectural design, colors, and materials. After reviewing the application, the Committee will forward their comments to the Planning Commission. They may also recom-

mend amendments and/or changes to the Development Code for the district to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the CBD District area.

- (4) *CBD Zone Subdistricts.* The zone also establishes subdistricts within the CBD Zone which are described hereafter.
 - a. The Centennial Parkway District (CBD-P) is established as a subdistrict within the CBD Zone to encourage "Main Street" type development along the Centennial Parkway Corridor between 10000 South and the ring road of the South Towne Mall. This district extends east and west of the Parkway right-of-way for approximately 100 feet, excluding CBD-A&C Zone.
 - b. The Office Park District (CBD-O) is established as a subdistrict within the CBD Zone to encourage large scale office use and regional governmental uses. This area is described as follows: The East Jordan Canal on the north; State Street on the east; approximately 1000 feet north of the ring road of the South Towne Mall on the southeast, and the ring road of the South Towne Mall on the southwest; and Interstate 15 on the west, excluding the Centennial Parkway District and the CBD-A&C District.
 - c. The Arts and Culture District (CBD-A&C) is established as a subdistrict within the CBD Zone to create an environment wherein arts, cultural and recreational uses may be integrated into mixed use developments using standards which are designed to be pedestrian-friendly. Those parcels within the zone are designated as such on the zoning map.
- (5) *Procedures for Development in CBD, CBD-O, CBD-P, and CBD-A&C Districts.*
 - a. The Planning Commission will review all development proposals in the CBD, CBD-O, CBD-P, and CBD-A&C Districts.
 - b. Prior to the Planning Commission taking action, plans must be submitted in accordance with this title.
 - c. A master site plan shall be submitted and reviewed by the Planning Commission, showing all phases of the development. Once the master site plan has been reviewed by the Planning Commission, all developments shall comply with the site plan requirements as required by this title.
- (6) *Land Coverage.*
 - a. Lot coverage by buildings and covered or semi-enclosed outbuildings shall not exceed 40 percent.
 - b. Coverage for both buildings and paved areas (parking, loading and circulation) shall not exceed 90 percent, thereby reserving a minimum of ten percent for landscaped areas after completion of any future expansion.
 - c. Existing developments may expand only to the extent of the coverage limits above. If such existing developments currently exceed the above coverage limits, expansion shall not occur.

- d. Properties within the Centennial Parkway and Arts and Culture Subdistricts are exempt from the limitations imposed by these percentages, but shall conform to the standards listed hereafter.
- (7) *Residential Uses.* The following shall apply to residential development:
- a. A minimum area equal to or greater than 15 percent of the gross living area of a residential use shall be provided as common residential recreation space. This requirement may be accomplished with indoor or outdoor facilities such as usable roof tops, atriums, covered or outdoor swimming pools, walking trails, green spaces, plazas, and other areas determined by the Director to be common residential recreation space. This space provided need not be limited exclusively for these residents.
 - b. The physical separation of pedestrian and vehicular traffic is encouraged.
 - c. In the CBD-P Subdistrict, the residential use shall be limited to the second story or higher and must be located within a mixed use project. The first (or primary) story shall be utilized for commercial activity.
 - d. In the CBD-P and A&C Subdistricts, the density of the project shall be reviewed and approved by the Planning Commission, and shall be based on such factors as compatibility with surrounding area, availability of a parking structure (required for residential use), and proposed amenities.
- (8) *Architectural Design and Materials.* All uses, including mixed use and residential, shall comply with the Sandy City Architectural Design Standards for Commercial, Office, Institutional, and Industrial Developments.
- a. Basic materials shall be "Mountain Red" brick or a similar high quality material, such as polished granite, glass, stone, etc.
 - b. Color of exterior building materials shall be composed of colors that encourage buildings to blend into the environment. Generally, they shall be limited to no more than three major colors per development. If glass surfaces are to be tinted, such tinted glass shall be considered as one of the colors allowed and shall conform to the color requirements included herein.
 - c. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the CBD Zone.
- (9) *Public Art.* Some public art is required and can be utilized to promote a sense of community identity and is required to be integrated into building and site designs. Murals, statuary, and building elements can be used to reflect local cultural and ethnic interests and add a unique element to public spaces within the development.
- (10) *Landscaping.* Landscaping guidelines are established to maintain the site qualities that exist in the CBD Zone area and minimize alteration, removal, or degradation of landscaping that currently exists in the area. The following requirements are in addition to those regulations in the landscaping requirements of this title:
- a. No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.

- b. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.
- c. Plant Materials.
 - 1. Sixty percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.
 - 2. Forty percent small trees and shrubs in a combination with deciduous trees with a caliper of 1½ to two inches and evergreen trees with a height of four feet.
 - 3. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.
 - 4. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species-type, location, and spacing of trees shall be as shown on the approved Landscape Plan, in compliance with designated streets within the City's Streetscape Plan.
 - 5. For streets not specified in the Plan, the following trees may be used as part of an approved Landscape Plan:

Bur Oak	<i>(Quercus macrocarpa)</i>
Hedge Maple	<i>(Acer campestre)</i>
Little Leaf Linden	<i>(Tilia cordata</i> 'Greenspire') <i>Tilia cordata</i> 'Rancho')
London Plane	<i>(Platanus acerifolia)</i>
Norway Maple	<i>(Acer platanoides</i> 'Cleveland') <i>(Acer platanoides</i> 'Columnare') <i>(Acer platanoides</i> 'Emerald Queen') <i>(Acer platanoides</i> 'Schwedleri') <i>(Acer platanoides</i> 'Deborah')
	<i>(Improved Schwedleri)</i>
Red Maple	<i>(Acer rubrum</i> 'October Glory') <i>Acer rubrum</i> 'Red Sunset')
Red Oak	<i>(Quercus rubrum)</i>
Redmond Linden	<i>(Tilia euchlora</i> 'Redmond')
Sycamore Maple	<i>(Acer pseudoplatanus)</i>

- 6. For planted medians, and accent trees, both on-site and at intersections, the following trees may be used:

Bechtel Crab	<i>(Malus ioensis</i> 'Klehms Improved')
Bradford Pear	<i>(Pyrus calleryana</i> 'Bradford')
Crimson King Maple	<i>(Acer platanoides</i> 'Crimson King')
	<i>(Acer platanoides</i> 'Royal Red')
Flowering Plum	<i>(Prunus cerasifera</i> 'Blireiana')
Kwanzan Cherry	<i>(Prunus serrulata</i> 'Kwanzan')
Washington Hawthorn	<i>(Crataegus phaenopyrum)</i>

(11) *Buffers, Fences, and Walls.*

- a. The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.
- b. Landscape buffers are preferred rather than fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas.
- c. Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.
- d. Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.
- e. Exterior lighting shall be shielded and directed in such a manner as to prevent unnecessary direct light glare on residential units and adjoining properties. Facilities that produce late night customers or activities shall address possible disruption of privacy for residential areas. Items that may be considered adequate include, but are not limited to, location, buffering, screening, lighting, and hours of operation.

(12) *Surface and Parking Terrace Areas.* Because surface parking areas present a three-dimensional appearance when occupied, they shall comply with the following:

- a. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe, convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
 1. Type of land use and structure.
 2. Building height and configuration.
 3. Relationship to other buildings, both horizontally and vertically.
 4. Natural land features such as slopes and vegetation.
 5. Physical features such as rail lines, canals, and controlled ingress and egress.
 6. Visibility from vehicular approaches and distant highways.
- b. Parking shall not occur adjacent to any public street or the freeway except when:
 1. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
 2. The use is restricted to visitors and/or key employees.

3. Parking is 80 percent screened by fencing, walls, and/or landscaping from the highway or street by either depressing the paved areas or using elevated landscape berms.
 4. A minimum of ten feet of landscaped screening consisting of mixed evergreen and deciduous trees must be provided adjacent to public streets and the freeway. The number of trees for this area shall be determined by a standard of one tree per every 200 square feet of landscaping required.
- c. Surface parking (permanent or temporary) may be allowed in addition to a parking structure upon the approval of the Planning Commission where it can be shown that the Phasing Plan, size and scope of the project would require some surface parking (e.g., stand-alone restaurant, bank, etc.).
 - d. Parking terraces and underground parking is strongly encouraged and shall be required for hotel development of six stories or more and all other buildings over three stories. The parking terrace may be constructed in subsequent phases as a condition of approval with the first phase. If the parking structure required for the first phase is to be postponed to a subsequent phase, the conditions of approval shall be recorded as a deed restriction upon the property and shall be recorded with the Salt Lake County Recorder's Office.
 - e. When an interior road is required by Sandy City and is designed so that on-street parking may be accommodated, a pro-rated share of such may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the City Transportation Engineer and approved by the Planning Commission.
- (13) *Uses and Standards Unique to the Centennial Parkway District (CBD-P).*
- a. *Building Setbacks.* In order to encourage a "Main Street" effect along the parkway, buildings shall maintain a zero lot line front setback from the approved sidewalk and streetscape profile of Centennial Parkway and 10000 South Street. Buildings that originate within the CDB-P Zone with a zero lot line front setback may continue that setback for the length of the building into the CBD Zone. This reduced setback does not apply to other non-contiguous structures within the development. Front setback variations may be used when an activity related to pedestrian use is maintained (i.e., outside seating for restaurant).
 - b. *Building Height.*
 1. The height of buildings shall be limited to one- to three-story structures within the front 30 feet of the 100-foot depth of the subdistrict on both sides of Centennial Parkway. The Planning Commission may consider and approve variations to the maximum height requirements for structures within the front 30 feet. Such items to consider include architectural design, main street theme, etc. Structures extending beyond the front 30 feet may be stepped up to a maximum ten stories.

2. Exception. The Planning Commission may approve a building permit taller than 140 feet, or more than ten stories, not to exceed 20 stories, after considering the following factors:
 - (i) Overall Master Plan layout of the project, which may include the size, scale, location, and topography of the property.
 - (ii) Relationship and impact to other buildings on-site and adjoining properties.
 - (iii) Unique architectural design.
 - c. *Architectural Design.* In addition to the Sandy City Architectural Design Standards, the following requirements shall apply to new developments:
 1. The use of exposed concrete (architectural concrete excepted), metal, or plastic for storefront facades is not permitted. However, the use of brass, copper, or aluminum is permitted for decorative trim.
 2. Buildings shall conform to a structural module of 30 feet horizontal and 15 feet vertical.
 3. Window shapes and sizes shall be so designed to be compatible from building to building and shall comprise at least 50 percent of the street elevation.
 4. Windows with reflective film or glass are not permitted at street level.
 - d. *Walkways, Courtyards, Plazas.*
 1. Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting, as appropriate.
 2. Two mid-block connections must be developed between 10000 South and the mall ring road. These connections may be developed as walkways or a combination walkway and vehicular lane. Additional walkways between buildings may be required as needed for proper pedestrian access from parking areas to storefronts.
 - e. *Signage.* Signing within the Centennial Parkway Subdistrict shall be limited to cabinet or pan channel wall signs, and awning signs in compliance with Chapter 21-26. Low-profile (monument) signs may be permitted with the following limitations: the sign shall have as the prominent feature the name of the building (i.e., "Aetna Plaza," "One Sandy Center," etc.). All other lettering shall be no taller than four inches in height. The maximum height of the sign shall be four feet for the portion containing general copy, and overall height of six feet above sidewalk grade. It is intended that the top two feet be utilized to identify the name of the building. The sign shall not be located upon the public right-of-way. It may not extend into the required sight visibility triangle, unless otherwise approved by the City Transportation Engineer. The lettering font style for tenant identification shall be the same for all tenants. The materials for the sign shall be similar to that of the main building.
- (14) *Uses and Standards Unique to the Office Park District (CBD-O).*
- a. *Building Height.*
 1. *Minimum Height.* Buildings shall be at least four stories in height, except as permitted below.

2. *Maximum height.* Buildings shall be no taller than 140 feet in height, west of State Street.
 3. *Exceptions to building height.*
 - (i) Structures adjacent to State Street shall be two to three stories within 100 feet of the street with an increase of two stories for each additional 30-foot setback up to a maximum of ten stories.
 - (ii) Ancillary buildings, as may be approved by the Planning Commission, may be one story tall, provided the structure is built concurrently with the remaining project building.
 - (iii) Structures within the Government Center Block (those properties bounded on the north and east by Civic Center Drive, on the west by Monroe Street and on the south by Seago Lily Drive) may be built to a minimum of two stories. Any structures south of City Hall shall be a maximum of two stories.
 - (iv) The Planning Commission may approve a building taller than 140 feet, or more than ten stories, not to exceed 20 stories, after considering the following factors:
 - A. Overall Master Plan layout of the project, which may include the size, scale, location, and topography of the property.
 - B. Relationship and impact to other buildings on-site and adjoining properties.
 - C. Unique architectural design.
- (15) *Uses and Standards Unique to the Arts and Culture District (CBD-A&C).*
- a. *Application.* In order to zone a parcel to the CBD-A&C Zoning District, a complete zoning application shall be submitted. The application shall include a Conceptual Master Plan that will be reviewed by both the Planning Commission and City Council in making a recommendation/determination as to the appropriateness of the zone for the parcel. The Conceptual Master Plan shall show all phases of the proposed development (including any phasing plans).
 - b. *Planning Commission Review.* After a property has been zoned CBD-A&C, the Planning Commission shall review each project and each building within the project area to evaluate its impact on the neighborhood, the zone district, and the region. Review shall include the proposed setbacks, lot coverage, building height, building design and materials. The Planning Commission may approve setbacks, increased lot coverage and/or increased building height from those allowed in the CBD zone if the project includes each of the following:
 1. *Building Setbacks.*
 - (i) *Front Setbacks.* Front setbacks of buildings shall maintain a zero-foot setback from the approved sidewalk and streetscape profile. Variations shall be required for building articulation and when an activity is related to pedestrian

use (e.g., outside seating for restaurant, pedestrian walking areas, residential courtyards, etc.). A maximum setback of ten feet is allowed for residential courtyards.

- (ii) *Side and Rear Setbacks.* A zero-foot setback may be approved by the Planning Commission for all other lot lines.
2. *Lot Coverage.* The Planning Commission may approve building coverage up to a maximum of 90 percent, if the project includes the following:
 - (i) At ground level, interconnecting pedestrian walkways (minimum five feet wide) shall be constructed of alternative hardscape materials which include colored and stamped concrete, pavers, etc. Additional areas of landscaping, street furniture, etc., shall be provided along the walkways; and
 - (ii) At ground level or above, a combination of at least three diversification elements of the following shall be included: courtyards, plazas, walkways, open green space, water features, planters, statuary.
3. *Private Street Improvements.* All private streets shall be constructed to City standards, including curb, gutter, sidewalk, and asphalt.
4. *Building Articulation.* At a minimum, the first level shall have architectural articulation separate from the above stories to create a human scale to the walking environment. The following requirements shall also be incorporated into the building design:
 - (i) *Storefront Width.* Buildings shall conform to a structural module of 30 feet horizontal and 15 feet vertical.
 - (ii) *Proportion of Openings.* Storefronts should maintain a high ratio of windows to walls at the street level to create interest for pedestrians. Windows and doors shall comprise at least 70 percent of the first floor facade and at least 40 percent of the upper floor facades.
 - (iii) *Entries.* The main entry to a building leading to a lobby, stair, or central corridor shall be emphasized at the street. The entry should include architectural enhancements, such as a change in materials, decorative fixtures, special paving, or other treatments that announce a point of arrival.
 - (iv) *Corner Buildings.* Corner buildings shall provide a prominent corner entrance to street level shops or lobby space in a manner consistent with main entries as described above.
5. *Approval of Increased Building Height.* The Planning Commission may approve buildings over 140 feet in height, up to a maximum of 600 feet. In addition to the maximum building height, parapets, roof-mounted mechanical, and other architectural features that are incorporated into the buildings to meet LEED standards may be approved above the maximum building height if they are designed to meet the Sandy City Architectural Design Standards.

6. *Building Articulation.* Buildings shall be articulated horizontally to differentiate between levels and create an identifiable base, middle, and top. The "Main Street" level may be considered the base of the building.
7. *First Phase of Development.* The first phase of the development shall contain at least three different land uses from among the following: residential, office, a group of retail shops, health spa, theater, public/private or quasi-public schools, hotel, business or financial service, restaurant etc. The overall Master Plan shall have at least four different land uses.
8. *24 Hour Occupancy.* At least one of the project buildings shall include a hotel or residential component.
9. *Pedestrian Walkways.* There shall be at least one main pedestrian thoroughfare which is strictly for pedestrian traffic (e.g., elevated art walk, promenade, walkway, etc.).
10. *Parking.*
 - (i) *Temporary Surface Off-Street Parking.* For phased developments, off street temporary surface parking may be permitted adjacent to the right-of-way for a period no longer than five years. There shall be a 15-foot minimum landscape buffer between all surface parking lots and the right-of-way.
 - (ii) *Parking Stall Dimensions.* The minimum parking stall depth shall be 18 feet.
11. *Architectural Design.* Building structures within the same project shall conform to an approved overall architectural theme in order to set the Arts and Culture Subdistrict of the Central Business District street frontages and skyline apart from other portions of the CBD Zone. Developments should be innovative and unique in architectural design, while enhancing the visual appearance of Sandy City and promoting a sense of community. These standards are intended to promote the design of an urban environment that is built to a human scale at the street level, to encourage creativity in new developments (as opposed to homogeneity or look-alike developments), and to foster attractive street fronts and pedestrian environments, while accommodating vehicular movement and access.
12. *CPTED (Crime Prevention Through Environmental Design) Principles.* The developer is required to consider the basic principles of CPTED when designing the site plan, Landscape Plan, and architectural design for a project. The following principles should be taken into account in the design of all buildings and developments:
 - (i) *Natural Surveillance.* Physical design which keeps potential intruders under the perception of continual watch, using "eyes on the street" (e.g., view to streets, driveways, and parking lots) and visual permeability in architecture, lighting, and landscaping.
 - (ii) *Natural Access Control.* Physical design which guides the mobility of people and which decreases crime opportunity and increases perception of risk to potential offenders.

- (iii) *Territorial Reinforcement.* Physical design which encourages users of property to develop ownership over it, developing space with an easily discernable purpose, using symbolic barriers such as low lying fences/walls, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.
- (iv) *Management and Maintenance.* Responsibility for managing and maintaining the property. Show that someone cares about seeing that the property is in a presentable appearance and is secure for the customers that use the facility.
- (v) *CPTED Landscaping Standards.* These should be used including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of seven feet above walkways and sidewalks and 14 feet above vehicular travel and parking lanes. This shall be accomplished through proper pruning practices, not by clear cutting, topping trees or other pruning for exposure techniques.
- (vi) *Public Safety.* In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, solid windowless walls are not permitted adjacent to streets, pedestrian areas, and open space amenities.

(b) *Automall (AM)—Dealership Subdistrict and Commercial Area Subdistrict.* The Sandy Automall Development Master Plan (the Master Plan) for the Automall (AM) District was adopted by the Sandy City Council in 1992 and amended in 2015, to assist owners and designers by setting out general design criteria, guidelines, and concepts which must be adhered to. The Master Plan also illustrates design ideas for the developer and City to use in interpreting the intent of the Master Plan when reviewing each individual project. Owners and designers should, therefore, also refer to the Automall Master Plan for these requirements. The goal of the Master Plan is to ensure development of a consistently high quality planned environment, thus protecting and enhancing the investment of all those locating within the Automall development area. The Automall (AM) District does not supersede any federal, state or local codes, ordinances, or requirements. The most restrictive requirements of such laws and the Automall (AM) District shall be applied to new and existing developments.

- (1) *Automall Architectural Review.* Each site development plan proposed in the Automall District and its subdistricts, prior to its submission to the Planning Commission, shall be reviewed by staff for compliance with the Automall Master Plan and in accordance with Sandy City's Architectural Design Standards.
- (2) *Extent of the Automall (AM) District.* The requirements of the Automall District shall apply to all properties within the boundaries of the Master Plan. Such area is defined by a northern boundary of the center of 10600 South Street, an eastern boundary of the center of State Street, a southern boundary of the center of 11000 South Street, and a western boundary of Interstate Highway 15.
 - a. *Areas Within the AM (Automall) District.* There are two areas within the Automall District (see diagram below):
 - 1. An auto dealership area for dealerships and their accessory uses; and

2. A commercial area.



- b. *Compliance with Code Requirements.* All new developments within each of the two areas shall meet all requirements of the specific area as set forth in the Automall District, all applicable provisions of the Master Plan, and the Sandy City Architectural Design Standards.
- (3) *General Development Standards and Exceptions for Automall District.* All provisions of Chapter 21-23 shall apply, with the following exceptions:
- a. *Land Coverage.* The principles of CPTED (natural surveillance, natural access control, territorial reinforcement, management and maintenance, landscaping standards, and public safety) must be considered when designing the site plan, Landscape Plan, and architectural design for a project.
 - b. *Utilities.* Owners may be required to grant easements for underground utility services and/or may be required to install storm drainage or other common utility systems upon their property in accordance with the Master Plan when good engineering design and the needs of the properties within the Automall District so dictate.
 - c. *Architectural Design and Materials.* The treatment of building mass, materials, and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Architectural character and design must also be consistent with the guidelines that are contained within the Master Plan. Requirements applicable to all buildings are as follows:
 1. All drive approaches, sidewalks, curbs, parking lot areas, exterior display pedestals, and other improvements along the street and freeway frontages shall be constructed in conformance with the details, finishes, sizes, materials, and patterns dictated by the Master Plan.
 2. Plans for the exterior modifications to any existing structures must be submitted as set forth above for architectural review and comments.
 - d. *Buffers, Fences, and Walls.*
 1. Special buffers, fences, and walls may be required to provide quality separations between public/commercial areas, service, loading, refuse collection, equipment, and storage areas.

2. Fences or walls will be reviewed for their compatibility and conformance to the Master Plan and their location and effectiveness in screening a view and for their color and texture in relationship to building materials and adjoining properties.
- e. *Building and Parking Setbacks.* The Planning Commission may require additional setback to those found in further sections of this title if it is found that site characteristics so demand. In such case, the placement of buildings and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
 1. Relationship to other buildings, both horizontally and vertically.
 2. Physical and natural land features such as slopes, canals, or trees.
 3. Ingress and egress.
 4. Visibility from vehicular approaches and distant highways.
 5. Type and use of structure.
 6. Building height.
- f. *Parking and Service Area.* Off-street parking must be provided to reasonably accommodate all anticipated customers, employees, and display vehicles. Curb side parking on public streets within the Automall will only be permitted in areas especially designed and designated for such use in accordance with the Master Plan. Where curb side parking is permitted, this parking shall be reserved for customer use only.
- g. *Site Lighting Guidelines.* Exterior wall-mounted floodlights are expressly prohibited in the front and side car display areas visible from public streets and Interstate 15. Wall-mounted floodlights may be allowed for storage areas behind buildings where not visible. Parking lot, pole-mounted fixtures shall be of a uniform type as designated by the Master Plan. Intensities shall be controlled to maintain uniformity throughout the Automall area. Design and location of standards and fixtures shall be specified on the site development drawings.
- h. *Street Lights Within Public Right-of-Way.* Owners will be required to install street lights. All street lights shall be designed and installed as required by the Sandy City Street Light Ordinance and the Automall Master Plan. If proposed site improvements conflict with the location of existing street lights, the owner shall be responsible for the relocation of the street lights.
- i. *Neon Lighting.* Neon lighting may be permitted on a very limited basis and be reviewed by the Planning Commission for appropriateness on each individual project.
- j. *Wrecked or Damaged Vehicle Parking.* Parking of wrecked or damaged vehicles is not permitted except for those vehicles being serviced on-site immediately. Such parking areas shall be visually screened from public streets, Interstate 15, and adjacent properties by an opaque screen wall a minimum of six feet high.
- k. *General Landscaping.*
 1. The purpose of landscaping guidelines is to maintain the site qualities that exist within the Automall area and to minimize alteration, removal, or degradation of landscaping that currently exists.

2. Separate Landscape and Irrigation Plans shall be submitted, together with buildings, structures and other improvements for architectural review as set forth above. Landscaping and irrigations systems in accordance with approved plans must be installed prior to occupancy of the site or as otherwise approved by the planning staff as seasonal conditions may dictate. The owner shall bond for such landscape and irrigation improvements to ensure that installations are completed as submitted and approved. All landscaping and irrigation systems shall comply with Section 21-25-4 contained elsewhere in the title.
 3. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be landscaped as approved by the Planning Commission, except for approved areas specifically designated for future development.
1. *Landscaping Within the Public Rights-of-Way.* Street trees, landscaping and irrigation systems shall be installed and maintained in the parkstrip areas along all public rights-of-way by the owner of the property. The species, location, and spacing of trees shall be as shown on the street development standard drawings contained within the Master Plan.
- m. *On-Site Landscaping.*
 1. *Materials.* The site shall be landscaped with trees, shrubs, ground cover, and/or turf. Trees, shrubs, and ground cover materials shall be selected from the palette of planting materials designated in the Master Plan.
 2. *Trees.* A variety of trees are required, as follows:
 - (i) Trees are not required in display landscape areas.
 - (ii) Trees are required to be planted in landscape areas adjacent to buildings, at a minimum of one tree for every 30 feet of building perimeter that is directly adjacent to a landscape area. Trees may be located in groups as addressed in the Master Plan.
 3. *Front Landscape and Display Setback.* The design of the setback will include display area for displaying vehicles. It will also include a landscape treatment that reflects "mountain meets urban" theme. (See Typical Front Landscape and Display Setback Illustration in the Master Plan.)
 4. *Landscaped Feature Areas.* Landscaped feature areas shall be provided in areas designated by the City. The design contours, location, type, spacing of trees, sidewalks, benches, sculptures, fountains, or other amenities within such feature areas shall be in accordance with standard drawings contained within the Master Plan. Landscape feature areas may be converted to vehicle display areas, in accordance with the Master Plan.
- n. *Street Improvements Within the Public Rights-of-Way.*
 1. *Improvements Required to be Provided at Time of Development.* All public improvements are required to be provided by the developer at the time of development in accordance with the Development Master Plan. Existing street improvements shall not be removed, altered, or modified without the approval by Sandy City.

2. *Sidewalk.* Sidewalks along State Street and 10600 South shall follow the eight-foot design already established on existing developments in the area.
- (4) *Development Standards for Automotive Dealerships Only.* The following development standards shall apply to automotive dealerships only and are in addition to the general standards and exceptions listed above:
- a. *Building Mass.* Proximity to adjacent structures and walls may dictate height requirements to create a gradual transition between high and low elements.
 - b. *Parking/Vehicle Storage.*
 1. *Customer Parking.* Each lot shall provide designated customer parking in the amount of a minimum of no less than six off-street parking spaces. Customer spaces shall be clearly marked and designated and shall be located between the street and any rear lot or service areas. Additional spaces may be required if industry standards so require for the size and type of dealership.
 2. *Employee Parking.* Employee parking shall be located off street in designated parking areas. It is the intent that employee parking spaces not be visible from a public street. The quantity required shall be equal to the maximum number of employees on any given shift.
 3. *Service Area Parking.* Sufficient service area parking spaces to accommodate anticipated parking needs of vehicles being repaired or serviced shall be provided, but in no case shall there be less than one space per service bay. Designated spaces shall be marked and reserved for service parking.
 - c. *Access and Internal Circulation.*
 1. *Driveway Access.* Shared driveways shall be a minimum of 25 feet and a maximum of 36 feet wide. Other driveways shall be a minimum of 25 feet and a maximum of 32 feet wide. All drives to have 12½-foot radius. A maximum of two driveways (one shared and one private) will be permitted per lot unless total street frontage of an individual lot exceeds 400 feet (see Typical Lot Development Plan-Access and Circulation Illustration in Development Master Plan).
 2. *Service Area Access.* Service write up areas must have sufficient stacking lanes on-site to stack a minimum of one vehicle per service bay. Stacking lanes shall not block flow of traffic to or from other areas of the dealership.
 3. *Reciprocal Access.* Reciprocal access between dealership properties is encouraged in order to eliminate additional driveways.
 - d. *Fences, Screens, and Walls.*
 1. Fences, screens, and walls shall be compatible and architecturally complementary between two adjoining sites. This may be achieved by use of similar materials and finishes to the building, landscaping materials, or other architectural design features.
 2. Fences shall extend from the side wall of the building and be designed as an integral compatible element with the building facade. Location of fences shall be compatible with adjoining property users to permit the common use of gates and accesses.

3. Fences and walls between adjoining automobile dealership properties generally are not permitted. No chainlink or plain concrete block fences are permitted except where not visible from public streets or outdoor sales and display parking areas.
 4. Perimeter walls and fences are generally not permitted or required except where dealerships are adjoining commercial areas of the Automall.
- e. *Display Pedestals.* The quantity, spacing, location, shape, size, design, and materials shall be in accordance with the Master Plan.
1. *New and Used Car Display.* Car displays, arrangement of parking spaces, and circulation shall be at the dealer's option. However, coordination with and compatibility to display area on adjoining properties must be considered. All vehicles in designated display areas must be properly prepared, cleaned, and ready for sale. No car display shall block minimum required driveways or those driveways shown in the approved site plan.
 2. *Display Vehicle Security.* To the extent deemed necessary by individual dealers, curb walls (no higher than 16 inches), closely spaced concrete bollards, boulders/cairns/rocks, berms, low security fencing and rails may be used. Design must be compatible with project theme and architectural detailing in other parts of the site as addressed in Master Plan.
- f. *Landscaping and Display Areas.*
1. Landscaping shall consist of different varieties of shrubs, flowers, trees, and other planted material in accordance with the Master Plan.
 2. All revisions to the existing landscape areas shall incorporate water efficient landscape materials.
- g. *Landscaping Adjoining Rights-of-Way.*
1. Landscaped areas shall be a combination of gravel, mulch, ground covers, low shrubs, and flowers. (Select materials from palettes provided in the landscaping section of the Automall Master Plan.)
 2. A minimum of 20 feet depth of landscaping and display will be required along all public rights-of-way.
- h. *Building Landscaping.*
1. Landscaping shall be maintained at the base of all buildings and decorative fences on elevations facing any public right-of-way or as otherwise approved by the Planning Commission.
 2. A minimum of eight square feet of landscaping per lineal foot of street frontage shall be required at the base of buildings or within the site area.
 3. Where used, landscaping shall be a minimum of five feet wide at the base of buildings and decorative walls on elevations facing public rights-of-way and must be landscaped with a combination of shrubs, flowers, lawn, and other planted materials.

4. Landscaping at the base of raised showrooms may be sloped. Shrubs that have an initial height of approximately two feet may be placed to cover the base of the building.
 - i. *Rear and Side Property Line Landscaping.*
 1. Landscaping at the side yards or rear yard may be eliminated if the area is not visible from public rights-of-way, or if the yard area is used in conjunction with an adjoining property for common driveways and/or parking. However, a minimum of ten feet of landscaped area will be required on all side yards adjoining commercial areas.
 2. Landscaping or other barriers between adjoining dealership properties in the front sales and display areas are prohibited unless otherwise approved by the Planning Commission.
 - j. *Architectural Design and Materials.*
 1. *Retail Showrooms.* All buildings and retail showrooms shall be designed to be consistent with the Master Plan. A variety of architectural schemes, finish materials, and colors is required.
 2. *Showroom Windows.* It is the intent that building showrooms be designed to maximize exposure facing the street. Accordingly, fronts should be primarily glass with ceiling heights encouraged to be no less than 12 feet.
 3. *Materials.* Building materials shall be selected which require low maintenance. Unpainted, plain concrete walls are prohibited. Roofs shall not be exposed unless they are part of the decorative or architectural treatment of the building.
 - k. *Site Lighting.* Dealerships are allowed to use a variety of poles and fixtures in order to achieve a unique lighting plan. However, in order to create a lighting color that is harmonious throughout the area, energy efficient lighting shall be incorporated and the luminaries shall be similar throughout the dealerships (e.g., 5000K luminaries). The Automall Dealers Association shall review any proposed changes to on-site lighting.
- (5) *Additional Development Standards for Automotive Dealerships Adjacent to Interstate 15.* The following development standards shall apply to automotive dealerships adjacent to I-15 only and are in addition to the general standards and exceptions listed above:
- a. *Site or Property Landscaping.* A five-foot minimum landscape strip shall be required along the Interstate 15 right-of-way. Such area shall be planted with shrubs, ground covers, and other landscape elements in accordance with the Development Master Plan.
 - b. *Architectural Design and Materials.* The design finishes and materials of all building sides facing Interstate 15 shall be of the same type and quality as that used for other building facades.
- (6) *Additional Development Standards for Applicable to Commercial Developments Only.* The following development standards shall apply to commercial developments only and are in addition to the general standards and exceptions listed above:
- a. *Location.* The location of all commercial areas are designated in this title.

- b. *Automobile Service and Repair Facilities.* Overnight parking areas shall be screened from adjacent commercial and dealership front display areas.
 - c. *Access and Internal Circulation.*
 - 1. *Access Locations.* Private access shall be located no closer than 20 feet from the edge of the driveway to a common property line unless shared with an adjacent driveway.
 - 2. *Internal Circulation.* Cross easements shall be required to permit perpetual use of common drives, parking areas, and service areas at no cost to the adjacent property owner, unless it can be demonstrated that significant cost will be incurred.
 - d. *Fences, Screens, and Walls.*
 - 1. *Fences, Screens, and Walls Prohibited.* Fences, screens, and walls between properties are prohibited unless otherwise required by this title.
 - 2. *Materials.* When required, fences shall consist of decorative masonry and/or pre-cast concrete and be of a design, style, and finish to be compatible to the building. Wood, iron, and masonry decorative elements may be utilized. Chainlink, vinyl, or plain CMU concrete block walls are prohibited.
 - 3. *Freeway Fences.* Fences along Interstate 15 shall match the general design, style, and spacing as provided throughout the overall freeway fence design. (See Freeway Fence Illustration in the Development Master Plan.)
 - e. *Landscaping.* In front yard areas, landscape shall consist of a minimum of 20 feet of landscaping adjacent to the right-of-way unless otherwise approved by the Planning Commission using Chapter 21-14.
 - f. *Architectural Design and Materials.* Building materials shall be selected which require low maintenance. Unpainted, plain concrete walls are prohibited. Roofs shall not be exposed unless they are part of the decorative or architectural treatment of the building.
 - g. *Site Lighting.* All parking areas shall be uniformly lit with pole lights of uniform type, height, and intensity according to the Development Master Plan.
- (7) *Hardscape Standards.* All hardscape design for driveways, sidewalks, etc., shall comply with all provisions of the palette materials and layout listed in the Automall Development Master Plan.
- (8) *Signs.* All signs shall comply with Chapter 21-26 with the following exceptions:
- a. *General Standards.* The following criteria shall govern the construction, placement, and type of all signs within the Automall development area:
 - 1. Location of all ground-mounted signs, except directional signs, shall be a minimum of three feet from front property lines and ten feet from edge of driveways, or as may be required by the City Transportation Engineer for traffic safety and visibility.
 - 2. No exposed raceways, ballast boxes, transformers, or conduits are permitted.
 - 3. Signs shall be internally illuminated.
 - 4. No flat-faced box or cabinet type sign with painted copy shall be permitted.

5. Businesses fronting 10600 South, State Street, Motor Park Avenue, Holiday Park Drive, and 11000 South shall be allowed monument signs only. In addition, no freestanding signs, off-premises signs or billboards shall be permitted on any parcel within the Automall District with the exception of the one freestanding "South Towne Automall" identification sign for the entire Automall District along the Interstate 15 freeway frontage and the entrance identification signs listed in Subsection (b)(8)b.2 of this section.
 6. All proposed signs that meet the criteria set forth in this title shall be approved by the Planning staff.
- b. *Identification Signs for the Automall Area.* Off-premises signs shall not be allowed except for the following:
1. *Freeway Identification.*
 - (i) One freestanding freeway identification pylon sign to identify the Automall will be permitted. The size and height of the freeway identification sign shall be reviewed as part of the architectural review process set forth above and approved by the Planning Commission.
 - (ii) The freeway identification sign may include a lighted reader board or other form of moving display on which advertising of community events and Automall promotional activities may be shown. No dealer logos, names, or vehicle type identifications will be permitted except as may be used within the lighted reader board in conjunction with Automall advertisements.
 2. *Entrance Signs.* Four freestanding signs to identify the entrances to the Automall will be permitted at the entrances located at 10600 South, Auto Mall Drive, State Street and Motor Park Ave, 11000 South and State Street, and approximately 10760 South and State Street. Size and height of entrance signs shall be reviewed as part of the architectural review process set forth above and approved by the Planning Commission. No dealerships' logos, names, or vehicle type identifications permitted.
 3. *Street Light Banners.* Banners promoting the Automall will be permitted to be hung on street lights within the Automall District. These signs should be uniformly 30 inches by 60 inches. These should not promote individual dealerships, but may promote Automall-wide events or promotions, at the discretion of the Automall Dealers Association. No banner shall be attached to any City light poles except by the City Department of Public Works.
 4. *Interior Light Banners.* Individual dealerships may install banners on light poles within their property boundaries. These banners should be used to promote their dealership and brand. They should not be used to advertise events or promotions. Individual owners are responsible for installation of banners on their own property. Banners should be uniformly 24 inches by 48 inches.
 5. *Freestanding Signs.* No additional freestanding signs for commercial businesses or auto dealerships will be permitted.

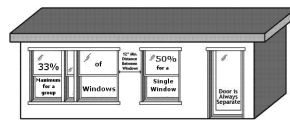
- c. *Street Identification/Monument Signs.*
1. *Location.* The signs must be located within the required front landscape setback area. No signs shall be closer than 75 feet from a common lot line, and a minimum of 35 feet from a landscape feature area. The location and spacing shall be subject to approval by the Planning staff.
 2. *Quantity.* One sign per site, per interior street frontage will be allowed. An exception would be that additional signs may be permitted in special cases for auto dealerships having multiple dealerships upon the same site. These signs shall be separated by a minimum of 100 feet between signs.
 3. *Copy.* Copy is encouraged to emphasize the manufacturer's brand with the dealer's name being secondary to the brand name.
 4. *Size.*
 - (i) Overall dimension of sign faces shall fit within the areas of seven feet, six inches high by eight feet wide or six feet high by ten feet wide. Maximum height above street curb shall not exceed a total of nine feet, including sign area, support base, and/or berm.
 - (ii) Non-dealership commercial businesses within the area shall follow the number, maximum square footage, and height above curb standards stated in Chapter 21-26.
 5. *Support Bases.* All monument signs shall incorporate a support base of a minimum of one foot and a maximum of three feet above grade. Base height shall be included in the overall height allowed, but will not be included in the square footage allowed. Support base material shall be similar to that of the primary building material of the site on which the sign is located.
- d. *Building Signs.*
1. *Location.* Signs shall be mounted on building facades, parallel to and contiguous with the wall upon which the sign is attached. Signs may be attached to screen walls or service buildings facing a street. Location and spacing are subject to approval by the Planning staff.
 2. *Quantity.* One sign per street frontage is permitted. Signs may be permitted on building facades facing Interstate 15 upon review and approval by the Planning staff.
 3. *Copy.* Signs are encouraged to contain brands of vehicles sold, manufacturer's logo, dealer's name, identification of used cars or trucks, secondary manufacturer's lines, or similar identification.
 4. *Construction.* Signs shall be internally illuminated individual pan-channel or channel-lume construction.
- e. *Street Directional Signs.*
1. *Location.* Directional signs shall be located behind the property line at driveway areas subject to review and approval by the Planning staff.

2. *Size.* Directional signs shall be up to a maximum of six square feet per sign per entry drive. Maximum height shall not exceed four feet above adjacent sidewalk or curb height.
 3. *Copy.* Signs should be encouraged to include directions to entrances, exits, service areas, parts departments, customer parking, etc. Maximum letter height shall not exceed six inches.
 4. *Construction.* Sign materials and bases shall be compatible with monument signs. They may be double-sided. (See Directional Sign Illustration in the Master Plan.)
- f. *Internal Directional/Destination Signs.*
1. *Location.* Signs shall be located behind the front landscape and display setback. Signs may be freestanding in landscaped planters or attached to fences or walls.
 2. *Size.* Signs shall be a maximum of 36 inches high by 48 inches wide. Base height shall be according to the Master Plan.
 3. *Copy.* Copy may be multi-line with maximum letter height of 3½ inches. It may include messages such as service areas, showrooms, customer parking, parts, etc.
 4. *Construction.* Sign materials and bases shall be compatible with monument signs. They may be double-sided. Illumination is not required. (See Internal Directional/Destination Signs in the Development Master Plan.)
 5. *Quantity.* The number of signs shall be limited only to those necessary to direct vehicular traffic.
- g. *Information Signs.*
1. *Location.* Signs shall be on building elevations, fences, or other solid backing.
 2. *Size.* The combined area of all information signs per building frontage shall not exceed 16 square feet with a maximum letter height of 12 inches. If the letter height does not exceed eight inches, the sign area may be increased to a total of no more than 20 square feet. Combined area of other sign information may not exceed six square feet with a maximum letter height of eight inches.
 3. *Copy.* Signs may include messages such as parts, services, used cars, etc.
 4. *Construction.* Signs shall be single-sided, mounted flat with a depth no greater than one inch. Individual cut-out letters are recommended but not necessarily required. Signs shall not be painted on building facades. All information signs are to be of the same color, letter style, and design. (See Information Sign Illustration in the Master Plan.)
- h. *Standards for Temporary Signs for Auto Dealer Area Only.*
1. *Standards.* The auto dealership area of the Automall District shall comply with the following standards:
 - (i) Temporary signs shall not be placed in the common landscape feature areas for the Automall development, or in the parkstrip between the curb, gutter and sidewalk.

- (ii) All of the general provisions for all temporary signs located within Chapter 21-26. All approved temporary signage will be allowed Thursday through Sunday only, plus all dates permitted as free promotional periods. All signs shall be removed before 8:00 a.m. of the day following the allowed dates.
 - (iii) Signs shall be set back from the property lines a minimum of three feet and cannot obstruct the right-of-way. They shall not be attached to telephone poles, fences, trees or security gates adjacent to streets.
 - (iv) Signs shall not be placed where they obstruct the view of any sign identified as a public necessity sign.
2. *Temporary Permit Required.*
- (i) Prior to installing any temporary signs, the South Town Automall Dealers Association shall obtain a yearly sign permit for all temporary signs. A calendar that specifies which days may be allowed, including the free promotional periods, shall be submitted with the application to the Community Development Department no later than December 1 for the following year.
 - (ii) The following types of sign devices may be used. No other sign device may be displayed unless specifically listed below:
 - A. *Banners.* Banners shall not exceed five feet by 11 feet, and must be securely attached to a structure or to ground posts. Banners mounted to the ground must have a stabilizing crossbar between the ground posts and the top of the sign. Each dealer is limited to two banners per street frontage.
 - B. *Blade Banners.* Blade banners shall not exceed 14 feet tall, this includes a blade sign of six feet tall and 28 inches wide. Each property may not exceed four banners per dealership frontage and each banner must be separated by at least ten feet.
 - C. *Balloons.*
 - (a) Small balloons attached to vehicles antennas or the security fences along dealership municipal right-of-way frontage, not to exceed seven feet in height from ground level, designed to attract attention from closer distances may be placed on all retail vehicles in dealership lot during designated fly dates.
 - (b) Tall balloons designed to attract attention from long distances shall be allowed for each dealer only during the designated fly dates and shall follow the following criteria:
 - (1) One string of tall balloons shall be allowed per dealership during designated fly dates, not to exceed six feet (72 inches) in diameter and shall not be flown higher than 80 feet in total height off the ground.
 - D. *Window Signs.* Window signs are allowed for ground floor windows only. They shall not be located as to block clear view of exits or entrances or to

create a safety hazard. Any window sign shall not disrupt the visibility from employee stations to the parking area or of low enforcement personnel into the business. The following shall also apply:

- (a) They shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows on each building face. A single window is any window, or any section of windows, that is separated from another window by 12 inches or more. Any door, with windows, is always considered a separate window. (See graphic below.)
- (b) Window signs and permanent wall signs combined shall not exceed 20 percent of the exterior wall area of the tenant.



(c) *Regional Commercial District (RC)*. No additional development standards are required in the RC District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(d) *Regional Commercial—Planned Unit Development District (CR-PUD)*. No additional development standards are required in the CR-PUD District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(e) *Community Commercial District (CC)*. No additional development standards are required in the CC District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(f) *Neighborhood Commercial District (CN)*. No additional development standards are required in the CN District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(g) *Neighborhood Commercial—Historic Sandy Neighborhood District (CN(HSN))*.

(1) *Parking*. All parking shall be located to the rear or side of the building.

(2) *Landscaping*. The entire front yard setback area shall be landscaped.

(h) *Historic Business District (HBD)*.

(1) *Architectural Design, Appearance and Materials*. All structures shall be designed to have a historical appearance (e.g., flat roof, multi-paned windows, use of brick and composite siding combinations, wood accent pieces, parapet walls, etc.). The architectural design must be approved by the Planning Commission. To maintain the historical appearance, the base of the

commercial/office structure shall have additional landscaping, including additional mature trees (a mix of trees consisting of evergreens (six-foot-high minimum) and deciduous trees (two-inch caliper minimum)).

- (2) *Parking.* All parking shall be to the rear or side of the building with no parking in the front of the building. When calculating required parking stalls, those spaces located upon the adjoining public street may be included in the overall total.
 - (3) *Signs.* All signs shall comply with the standards and size limitations as written in the Chapter 21-26, with the following exceptions:
 - a. Neon is not permitted for illumination or building decoration.
 - b. Internally illuminated cabinet or backlit awning signs are not permitted.
 - c. Projecting wall signs are permitted and encouraged.
- (i) *Boulevard Commercial District (BC).*
- (1) *Double Frontage Lots.* For those BC District lots that have frontage on both 700 East and a residential (R-1 District) street along the rear, a minimum depth of 100 feet of the property (as measured from the property line adjacent to said residential street's right-of-way) shall be left for the development of residential lots only.
 - (2) *Architectural Design, Appearance and Materials.*
 - a. All structures shall be designed to have a residential appearance (e.g., pitched roof, bay windows, use of brick, stone, and composite siding combinations along with wood accent pieces). (See Exhibit #1.)
 - b. All buildings shall utilize a pitched roof with a steepness of at least four-twelfths pitch. No flat roofs shall be permitted.
 - c. To maintain the residential appearance, the base of the commercial/office structure shall include additional landscaping, including additional mature trees (a mix of trees consisting of evergreens (six-foot-high minimum) and deciduous trees (two inch caliper minimum)).
 - d. The architectural design of all structures in the BC District (including residential) shall comply with the Sandy City Architectural Design Standards.
- (j) *Limited Commercial District (LC).*
- (1) *Mixed Use Concept.* The concept of mixed use is allowed in the LC District and represents a departure from traditional zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible.
 - a. *Residential Uses Allowed.* Residential dwellings are allowed only on sites of sufficient size to ensure adequate site development and a satisfactory and safe residential environment.
 - b. *Where Residential Uses are Included.* Where residential uses are included, the objective of the mixed use concept is to create self-contained communities in which residents may walk to work, to shopping and to recreational facilities.

- (2) *Nonresidential Use Location.* Nonresidential uses shall be placed at the front of the property. Parking shall be placed at the rear or side of the building.
- (3) *Architectural Design.* Buildings shall be designed to be architecturally compatible with the adjacent residential district.
- (4) *Hours of Operation.* No retail use shall operate after 10:00 p.m., nor open before 6:00 a.m. A non-retail use may apply for a conditional use permit for extended hours before 6:00 a.m. or after 10:00 p.m.

(k) *Convenience Commercial District (CvC).* No additional development standards are required in the CR-PUD District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(l) *Professional Office District (PO).*

- (1) *Ancillary Retail Commercial Uses.* Ancillary Retail Commercial Uses may be allowed in PO Districts at the following ratios:
 - a. No more than 50 percent of a shared use building.
 - b. No more than ten percent of a primary use for a stand-alone project and must be part of a complex of office buildings. Said retail use shall not be developed prior to the first office building.
- (2) *Architectural Design.* Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood and shall comply with the Sandy City Architectural Design Standards. (See Exhibit #1.)

Exhibit #1. Examples of Residential Appearance in Commercial Zones



(m) *Industrial Development District (ID).*

- (1) *Loading.* No loading or unloading may be performed on any public right-of-way or private right-of-way. No loading docks shall face rights-of-way unless approved by the Director because of site constraints. The Director shall require screening, including landscaping or walls or a combination of walls and landscaping, to mitigate the impacts of loading docks facing rights-of-way.

(n) *Transit Corridor (TC)*. No additional development standards are required in the CR-PUD District (other than all general commercial, office, industrial, and transit corridor development standards contained in this chapter).

(o) *Research and Development District (RD)*.

(1) *Parking*.

- a. Parking terraces and underground parking is strongly encouraged and shall be required for structures of five stories or more. The parking terrace may be constructed in subsequent phases with the approval of a development agreement between the developer and Sandy City. The signed Development Agreement shall be recorded and shall be binding on all future developers and property owners of said property.
- b. Surface parking (permanent or temporary) may be allowed in addition to a parking structure where it can be shown that the Phasing Plan, size, and, scope of the project would require some surface parking (e.g., stand-alone restaurant, bank, etc.).

(2) *Development Standards*.

- a. *Planned Research, Development, or Office Park*. Regardless of the size and ownership of individual parcels, a "Planned Research, Development or Office Park" master site plan must be submitted for review and approval by the Planning Commission showing all phases of the development, including the parking structure, if required. The plan must show both existing and reasonably projected development on adjoining properties, determined through consultation with adjoining owners.
 1. The intent of the above is to achieve a consistent overall planned development with consistent site standards when the project area is completely built out.
 2. Expansion of existing developments not previously having a "Planned Research, Development or Office Park" approval shall require Planning Commission approval at the time of expansion.
- b. *Residential Uses*. The following shall apply to residential development in the RD District:
 1. Not less than 15 percent of the gross living area of a residential use shall be provided as common residential recreation space. This requirement may be accomplished with indoor or outdoor facilities (e.g., roof tops, atriums, covered or outdoor swimming, etc.).
 2. Residential development west of I-15 shall require a vertical mixed use design.
 - (i) The physical separation of pedestrian and vehicular traffic is encouraged.
 - (ii) All residential developments shall comply with standards for planned unit developments (PUD). The more restrictive ordinance shall apply.
- c. *Building Height*. A minimum of two stories is required.

d. *Specific Ancillary Uses.* Warehousing may be allowed only as a subordinate function of the primary use of the development upon review by the Planning Commission.
(LDC 2008, § 15A-23-21; Ord. No. 11-04, 3-25-2011; Ord. No. 12-08, 2-28-2012; Ord. No. 12-31, 8-20-2012; Ord. No. 14-35, 11-13-2014; Ord. No. 14-37, 11-24-2014; Ord. No. 15-19, 6-26-2015; Ord. No. 16-01, 1-14-2016; Ord. No. 19-01, § 1(15A-23-21), 1-14-2019)

Sec. 21-23-22. Planned Commercial Center Development Standards.

In addition to all other development standards listed in this chapter and elsewhere in this title, all planned commercial centers shall be developed in compliance with the following additional development standards:

- (1) *Site Plan Review.* A master development site plan for a planned commercial center shall be reviewed and approved by the Planning Commission.
- (2) *General Site Design.*
 - a. A planned commercial center shall be designed as an integrated complex of leasable or individually owned spaces in a single building, group of buildings, or parcels.
 - b. Regardless of ownership, a planned commercial center site plan shall show the relationship of all proposed and future buildings and pads to all parking facilities, pedestrian walkways, landscape areas, service entrances, and abutting streets.
- (3) *Architectural Design and Materials.*
 - a. All planned commercial centers shall comply with the Sandy City Architectural Design Standards.
 - b. A common theme of architectural design and materials, approved by the Planning Commission, shall be followed for the overall project that will include all attached, detached, and/or freestanding pad buildings.
- (4) *Landscaping.*
 - a. *Landscape Design.* A consistent landscaping design shall be developed for an overall planned commercial center that includes all pads and freestanding buildings.
 - b. *Frontage.* Where a planned commercial center abuts a public street right-of-way, there shall be a minimum of at least 15 feet of landscaping along the perimeter, exclusive of required driveways.
- (5) *Lighting.* A consistent lighting plan and light design including light heights, standard design, and color as well as light intensity shall be established for an overall planned commercial center.
- (6) *Signs.* A sign theme shall be submitted which shall be approved by the Planning Commission at the time of review of a planned commercial center that covers all signage on the site including all center identification signs as well as a theme for all tenant signs.

- (7) *Grading.* Grading of an overall planned commercial center shall be done in such a way as to allow all buildings, pads, and other out building sites to be tied together with reciprocal access driveways both on and off the site, unless not found to be practical by the Director in consultation with the Transportation Engineer.

(LDC 2008, § 15A-23-22)

Sec. 21-23-23. Industrial or Research Park Standards.

(a) *Industrial Environmental Standards.*

- (1) *Finding of Dangerous or Objectionable Elements.* No land or building devoted to industrial uses shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element, in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises.
- (2) *State Agency Notification.* The Director of Community Development shall confirm that the Environmental Health Services Section of the State Health Division is informed of applicants with uses that pose a potential risk.
- (3) *Performance Standards Review.*
 - a. In addition to meeting requirements for potential dangerous or objectionable elements, the application for industrial use shall include a description of the proposed machinery, products, and processes to be located at the development.
 - b. If the proposed use may cause the emission of dangerous or objectionable elements, the application may be referred for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable environmental and performance standards specified in this title. The cost of such expert report shall be borne by the applicant.
 - c. Within 20 days after receiving the aforesaid application or report, if a report was required, the City shall determine whether reasonable measures are proposed to be employed to ensure compliance with the applicable environmental performance standards. On such basis, the City may authorize or refuse to authorize issuance of permits or may require a modification of the proposed plans, construction specifications, device or operation and shall so inform the Chief Building Official.
- (4) *Continued Compliance.* Any permit so authorized and issued shall evidence only that reasonable measures are proposed to be taken. It shall not relieve the applicant of the responsibility of meeting all performance and environmental standards when the plant is actually in operation; and, in case of a failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards are required to be made and shall be the sole responsibility of the applicant.

(5) *Continued Enforcement.*

- a. The Director shall investigate any purported violation of environmental or performance standards; and, if necessary for such investigation, may request that the City employ qualified experts.
- b. If the City finds that a violation has existed or does exist, the Director shall serve notice that compliance with the environmental or performance standards must be achieved within a specified period of time or the plant will be shut down.
- c. Should the violation of environmental or performance standards pose an immediate threat to public health, convenience, or welfare, the Mayor may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation.
- d. The services of any qualified experts employed by the City to advise in establishing a violation shall be paid by the violator if said violation is established.

(b) *Locations Where Determinations Are to Be Made for Enforcement of Environmental and Performance Standards.* The determination of the existence of dangerous and objectionable elements shall be made at any point; provided, however, that the measurements having to do with noise, vibration, odors, or glare shall be taken at the lot line of the establishment or use.

(1) *Standards for Dangerous and Objectionable Elements.*

- a. *Noise.*
 1. No use shall emit or cause the emission of sound from a stationary source such that one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by six dB(A) or more, the one-hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 Highway Traffic Noise Prediction Mode, or by other techniques at least as accurate as those set out in FHWA-RD-77-108.
 2. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1977, with the following adjustments:
 - (i) *Adjustment for Temporal and Tonal Characteristics of Sound.* If the sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, five dB(A) shall be added to the measured sound level to allow for increased subjective response to the sound.
 - (ii) *Quasi-Steady Impulsive Sound.* Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then ten dB(A) shall be added to the measured value to allow for the increased subjective response to the sound.
 - A. An adjustment may be made under only one of the two preceding subsections. In a case where both subsections apply, then Subsection (b)(1)a.2(i) takes precedence.

- B. No use shall emit or cause or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of 80 dB(A) or in a one-hour equivalent level (Leq) exceeding that one hour equivalent (Leq) level caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 or equivalent method.
- b. *Vibration.* No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.
- c. *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the property line of the industrial use or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
- d. *Glare.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise regulated by the provisions of this title.
- e. *Fire and Explosion Hazards.* All activities involving, and all storage of, flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.
- f. *Air Pollution.* No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah Air Conservation Act (U.C.A. 1953, § 19-2-101 et seq.), its amendments, or resulting regulations.
- g. *Liquid or Solid Wastes.* No discharge at any point into a public sewer, private sewage system, stream, ditch, canal, or into the ground shall be allowed contrary to the Water Quality Act (U.C.A. 1953, § 19-5-101 et seq.), its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code on Solid Waste Disposal Regulations.

(c) *Compliance with Other Regulations.* All uses must meet any other applicable City, County, State or Federal regulations.

(LDC 2008, § 15A-23-23)

Sec. 21-23-24. Mixed Use Development Standards.

(a) *Purpose and intent.*

- (1) This section is established to provide a zone to be used near City transportation corridors that allows a mix of specific land uses that are typically found separately in mutually exclusive zoning districts. Mixed use represents a departure from characteristic zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible.

- (2) The intent of this zone is to create self-sustaining villages that become walkable neighborhoods, in which residents may walk to work, to shopping, to recreational facilities, and have access to mass transit. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They shall provide convenient pedestrian commercial services, employment opportunities, and shall be located in areas with existing, or probable future, multiple transportation choices. Design standards include requirements that help provide a true neighborhood by stipulating various mix of uses, "build to" lines, compact building design, preservation of open space, pedestrian-friendly streets and streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above walkable elements are unacceptable and will not be approved.

(b) *Procedures.*

- (1) The Planning Commission will review all development proposals in the MU Zone. All exterior building elevations visible from adjacent properties or streets must also be reviewed and approved by the Planning Commission.
- (2) Prior to the Planning Commission taking action, plans must be submitted in accordance with this title.
- (3) All submissions shall be made well in advance of planned construction for proper coordination and feedback, and shall be reviewed at a City Development Review Meeting and/or respective architectural review meeting before submittal to the Planning Commission.
- (4) For a typical building project, 12 copies of the required information must be submitted for complete review and recommendation by the Planning Commission. One copy will remain on file with the Planning Division and the second copy will be returned with comments. Communication with the Planning Commission may be directed to the Director.
- (5) The owner's representative, for on-going coordination with the Planning Commission, must also be identified, including address and telephone number.

(c) *Land Coverage.* It is the intent to create efficient usage of land within the Mixed Use District by controlling the intensity of different types of land uses and providing sufficient critical mass to create a walkable neighborhood.

- (1) Coverage for both buildings and paved areas (parking, loading and circulation) shall not exceed 90 percent, thereby reserving a minimum of ten percent for landscaped areas and open space.
- (2) Parking terraces and underground parking is strongly encouraged. Surface parking (permanent or temporary) may be allowed in addition to, or in lieu of, a parking structure, upon the approval of the Planning Commission, where it is screened from streets and where it can be shown that the Phasing Plan, design, size and scope of the project substantially provides a walkable community.

(d) *Uses Allowed.* In order to achieve an overall walkable development, appropriate land uses, pedestrian connections, cross-easements, common driveways, consistent site standards, etc., must be coordinated, even though properties may be individually owned. In order to encourage pedestrian activity and to improve air quality, drive-thru windows are not permitted in conjunction with uses such as fast food restaurants, dry cleaners, banks, etc.

(1) *Location Restrictions.*

- a. Mixed use developments shall be located along transportation corridors and other locations where walkable components (i.e., housing choices, convenience commercial, employment, community facilities, transportation linkages, park or other open space, schools, churches, etc.) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself.
- b. As a guiding principle, mixed use components should be within a five-minute (or one-fourth mile) walking distance. The actual blend of vertical and/or horizontal mixed use development shall be determined by the Planning Commission depending upon the size, scale, and location of the development. Where size and scale permit, housing units shall include a mix of housing types, housing size, and number of bedrooms, encouraging neighborhoods with a mix of family cycles and incomes.

(2) *Ancillary Uses.* All permitted and conditional land uses within the MU Zone may conduct ancillary uses, as specifically defined in Chapter 21-37, provided such use is not regulated by other sections or is listed as a prohibited land use in this zone.

(e) *Development Standards.* The following standards are to be considered as applying specifically to development in the Mixed Use (MU) District, in addition to general standards provided elsewhere in this title.

(1) *Mixed Use Master Plan.* Regardless of the size and ownership of individual parcels, a walkable Mixed Use Master Plan must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show all phases of the development (including any phasing plans) and both existing and reasonable projected development on adjoining properties, determined through consultation with City staff and adjoining property owners.

- a. The intent of the above is to achieve a consistent overall mixed use development with uniform and compatible site standards when the project area is completely built out. Standards that will be applied to a Master Plan are set forth in this chapter.
- b. Remnant parcels left from old developments, rebuilds of existing parcels, or pads within existing center developments, are required to make reasonable compliance with mixed use development standards through consultation with the Director.

(2) *Parcel Size.* Parcels shall be of sufficient size to ensure compliance with building setbacks, landscaping, access, parking, and walkability standards.

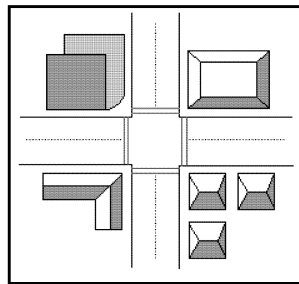
(3) *Building Placement and Massing.*

a. *Setbacks.*

1. Building facades shall comprise at least 70 percent of each street edge identified as "build-to lines." To meet this requirement, building facades must be zero to five feet

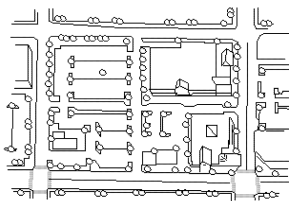
from street side (typically inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural features may project beyond build-to lines, as approved by the Planning Commission. Street side setback variations may be used when an activity related to pedestrian use is maintained, (i.e., special landscaping, outside seating for a restaurant). Recessed plazas, courtyards, and trellises are encouraged.

Buildings to the Street



2. Zero lot line side setbacks with attached structures, in compliance with the International Building Code, may be required except for necessary driveway access, pedestrian access, open space, and landscape areas. Rear setbacks shall be of sufficient depth to allow proper parking and landscaped areas to the rear of the buildings. Unless otherwise approved by the Planning Commission, rear yards and the rear of buildings shall not directly abut streets. If the rear of building is approved adjacent to a street, pedestrian access and street oriented building treatment must be adequately addressed.

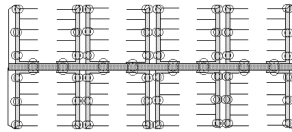
Anchor Retail



- b. *Building Orientation.* The entrances of all retail, civic, residential, and office buildings shall front onto streets, with the exception of center block residences (which still must front pedestrian ways) and anchor stores greater than 30,000 square feet in size. Secondary entries may be required at the rear of street-facing buildings. Where possible, like land uses

shall face like land uses or open space (i.e., retail across the street from retail, town homes from town homes, etc.). Loading docks and service areas must be screened from streets and adjacent properties through architectural design and landscaping. Anchor store entrances must be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via mid-block passageways or paseos, to the street.

Walkways thru Parking Areas



c. *Building Height.*

1. Buildings at build-to lines shall have a minimum and maximum height as indicated on the table by building type, with height to be measured in accordance with the City's adopted ordinances and standards.

<i>Land Use</i>	<i>Commercial, Office and Vertical Mixed Use</i>	<i>Condos, Town Homes, Garden Apartments</i>	<i>Single-Family, Twin Homes, and Quads</i>	<i>Civic Uses and other Stand-Alone Uses</i>
Minimum building height	Two stories	Two stories	One story	One story
Maximum building height	Four stories	Three stories	Two stories	Three stories

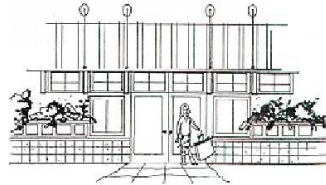
2. Buildings of greater height than allowed in the above table may be approved by the Planning Commission on a limited basis, based upon the size, scale, topography, and uniqueness of the development. Approved structures with additional height may be required to include suitable "step-back" architecture and other architectural features which encourage a village feel on street level.

d. *CPTED (Crime Prevention through Environmental Design).*

1. Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, management, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of six to eight feet above walkways and sidewalks and eight to ten feet above vehicular travel and parking lanes.
2. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Symbolic barriers, such as low-lying fences/walls, landscaping and signage, shall be used, as appropriate, to discourage crime and to promote safety. Ground floor parking garages are not

permitted immediately adjacent to streets. Developments shall have street side building elevations with extensive windows, with balconies, decks or landscape terraces being encouraged.

Natural Surveillance

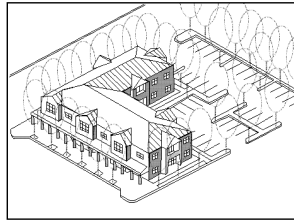


- (4) *Land Use Impact and Buffering.*
- a. Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between compatible uses. Visual screening which creates outdoor rooms is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. Approved fences or walls shall be compatible in color, texture, and design in relationship to building materials.
 - b. In order to mitigate any negative impacts, the Planning Commission, after due consideration, may modify building setbacks and heights, and require additional architectural and/or landscape elements, as needed between uses, within and without a mixed use development.
- (5) *Architectural Design and Materials.* The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding buildings, and yet provides diversity in design. Requirements applicable to all buildings are as follows:
- a. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.
 - b. Basic building materials shall include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, architectural metals and glass. All residential uses shall be predominantly brick or masonry. Limited amounts of stucco and masonite siding may be considered if the quality of the design merits such consideration. The use of exposed concrete (architectural concrete excepted), metal, or plastic for storefront facades is not permitted. All buildings within the development shall possess a similar architectural theme and have common architectural elements creating a unifying development.
 - c. No more than four colors may be used per development. Earth tone colors are encouraged to help buildings blend into the environment; however, color may vary if approved by the

Planning Commission as being compatible with surrounding developments. Approved tinted glass surfaces shall be considered as one of the colors allowed and shall conform to the color requirements included herein. Building styles shall be compatible with existing buildings within the respective MU Zone.

- d. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial buildings shall be designed with ground floor architectural separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, terraces, or other design features which are oriented to the street, or other people spaces, in order to maximize interface connection. Windows, display windows, doors, and arcades must make up at least 70 percent of street-facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Tinted windows or windows with reflective film or glass are not permitted at street level.

Building Facades and Relationship to Street



- e. Mechanical equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof.
 - f. Plans for significant exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the MU Zone.
- (6) *Signage.*
- a. Proper design and placement of signs and their lighting is critical and shall be compatible with structures and uses. Mixed use developments shall have a sign theme which promotes mixed use compatibility. Permitted signs within the MU Zone shall be in compliance with Chapter 21-26, except that freestanding and off-premises signs or billboards shall not be permitted. Wall signs, projecting wall signs, and window signs, approved as part of a sign theme, are encouraged.
 - b. Monument signs and directional signs are discouraged. Where approved, a monument sign must comply with the following limitations: the sign shall have as the prominent feature the name of the development (i.e., "Jordan Village," "Jordan Plaza," etc.). All other

lettering shall be no taller than four inches in height. The maximum height of the sign shall be four feet for the portion containing general copy, with an overall maximum height of six feet above sidewalk grade. It is intended that the top two feet be utilized to identify the name of the development. The lettering font style for tenant identification shall be the same for all tenants. Monument signs shall be constructed with the materials similar to that of the main building. Monument signs may not extend into the required sign visibility triangle, unless otherwise approved by the City Transportation Engineer.

(7) *Open Space.*

- a. Significant usable open space shall be provided within the mixed use development, depending upon size, scale, and nature of the development as determined by the Planning Commission. Approved open space may include, but is not limited to, commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections. A Village Green, as a commons area, may be required adjacent to mass transit connections or other significant activity. Building materials used within open space areas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.
- b. Areas of environmental concern or interest may be required to be preserved (i.e., drainages, steep slopes, connections to trail systems, and water features). Unless otherwise specified thru special agreement or understanding with the City, all open space areas shall be maintained by property owners or Homeowners' Associations.

(8) *Landscaping.* Landscaping guidelines are established to improve and then maintain site qualities while minimizing alteration, removal, or degradation of approved landscaping. Landscaping, in general, shall follow CPTED (Crime Prevention Through Environmental Design) principles.

- a. *Landscape and Streetscape Plans.* No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted landscape and streetscape plans satisfactory to the Planning Commission.
- b. *Landscaping to be Installed within 30 Days.* Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Division as seasonal conditions may dictate.
- c. *Future Development Areas to be Weed-Free or Landscaped.* Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.
- d. *Performance Assurance.* The developer shall bond for such landscape improvements to assure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.

e. *Plant Materials.*

1. 60 percent medium size trees; deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet. 40 percent small size trees and shrubs in a combination with deciduous trees with a caliper of 1½ to two inches and evergreen trees with a minimum height of four feet. Where possible, a 50/50 mix of deciduous and evergreen trees and shrubs shall be used for on-site landscaping.
2. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer. The species-type, location, and spacing of trees shall be as shown on the approved Landscape Plan, in compliance with designated streets within the City's Streetscape Plan. For streets not specified in the Streetscape Plan, the following trees may be used as part of an approved Landscape Plan, depending upon space requirements:

Bur Oak	(<i>Quercus macrocarpa</i>)
Flowering Pear	(<i>Pyrus calleryana</i> 'Redspire') (<i>Pyrus calleryana</i> 'Aristocrat')
Hedge Maple	(<i>Acer campestre</i>)
Little Leaf Linden	(<i>Tilia cordata</i> 'Greenspire') (<i>Tilia cordata</i> 'Rancho')
London Plane	(<i>Platanus acerifolia</i> 'Bloodgood')
Norway Maple	(<i>Acer platanoides</i> 'Cleveland') (<i>Acer platanoides</i> 'Columnare') (<i>Acer platanoides</i> 'Emerald Queen') (<i>Acer platanoides</i> 'Schwedleri') (<i>Acer platanoides</i> 'Deborah') (Improved Schwedleri)
Red Maple	(<i>Acer rubrum</i> 'October Glory') (<i>Acer rubrum</i> 'Red Sunset')
Red Oak	(<i>Quercus rubrum</i>)
Redmond Linden	(<i>Tilia euchlora</i> 'Redmond')
Sycamore Maple	(<i>Acer pseudoplatanus</i>)

3. For planted medians and accent trees, both on-site and at intersections, the following trees may be used:

Bechtel Crab	(<i>Malus ioensis</i> 'Klehms Improved')
Crimson King Maple	(<i>Acer platanoides</i> 'Crimson King') (<i>Acer platanoides</i> 'Royal Red')
Flowering Plum	(<i>Prunus cerasifera</i> 'Blireiana')
Kwanzan Cherry	(<i>Prunus serrulata</i> 'Kwanzan')
Washington Hawthorn	(<i>Crataegus phaenopyrum</i>)

- f. *Installation.* It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- g. *Maintenance.* It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas, including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.

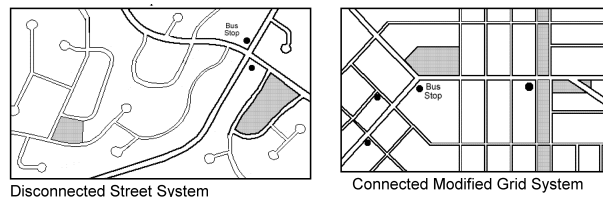
- h. *Vegetation Modification/Removal.* Pruning vegetation for exposure, which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees replacement shall be in compliance with the City's Streetscape Plan, unless otherwise approved by the Planning Division.
- i. *Utility Connections.* When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Director.

(9) *Outdoor Lighting.*

- a. The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall-mounted floodlights are expressly prohibited. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Lighting of a building and site identification signs are permitted as allowed elsewhere in this title.
- b. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that safety lighting is provided while neighboring areas are protected from glare or excessive direct light. See cross-section illustration for additional requirements in the report: "Sandy Civic Center Development Master Plan." Street light design fixtures shall evoke a village feel and be installed as required by the Street Lighting Policy.

(10) *Streets and Pedestrian Ways.*

- a. *Streets.* All accesses within a Mixed Use (MU) development shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where practically possible. Cul-de-sac streets will not be approved unless it can be demonstrated that no other practical way exists to make connectivity. In order to uphold and enhance traditional neighborhood development principles, private streets are discouraged and gated communities are prohibited.



- b. *Widths.* Street widths shall be determined during site plan review as may be recommended by the City Transportation Engineer and approved by the Planning Commission. In general, streets shall be designed to meet the level of travel and service, while incorporating principles of traffic calming and pedestrian compatibility (i.e., tree lined streets with pedestrian ways and linkages), decreasing the need for pavement width by spreading traffic through a grid or modified street hierarchy system.

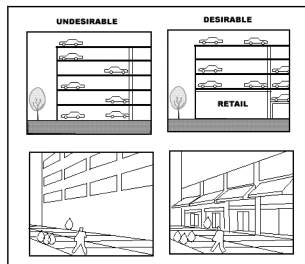
- c. *Sidewalks and Walkways.*
1. The design of pedestrian ways may include a solitary meandering pathway or trail, a pedestrian street and the many possible designs in between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access will be made based upon the scale and type of mixed use project being proposed and by the way uses are intermingled. The standard nine-foot cross-section (five-foot parkstrip, four-foot sidewalk) is a minimum, while a wider parkstrip and/or sidewalk may be required depending upon the land use and the desired effect. All streets shall have sidewalks and curbside streetscape.
 2. Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order break up expanses of hard-surfacing and to encourage pedestrian interest and activity.
 3. In vertical mixed use areas, wider sidewalks are required in order to enhance street and land use connectivity. Portions of the parkstrip may be paved to accommodate street furniture, leaving tree wells for street trees. Street furniture, including, but not limited to, benches, trash receptacles, artwork, drinking fountains, bike racks, and newspaper racks, may be required depending upon the nature of approved uses. Street furniture requirements shall include an overall design theme for compatibility.
- d. *Crosswalks.* Extensive use of crosswalks shall be incorporated within the project, at intersections, mid-blocks, within parking lots, or other needed pedestrian connections. A pedestrian inconvenience distance of 150 feet should be used as a guideline. Crosswalks shall be so configured to be a design feature of the development (i.e., heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use). Bulb-outs and other pedestrian design shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians.

(11) *Other Forms of Transportation.*

- a. All forms of transportation shall be considered within and without the mixed use development with the intent to improve convenience and reduce automobile trips. All forms of transportation should be encouraged, including bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities.
- b. Appropriate bus turnouts and stops shall be coordinated and planned as part of the development review process. Based upon land use and the level of demand, bicycle parking shall be provided in appropriate locations (i.e., visible from store fronts and entrances to office buildings and residential structures).

- (12) *Parking Areas.* Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.
- a. Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe, convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by and Planning Commission on the basis of the following factors:
 1. Type of land use and structure.
 2. Building height and configuration.
 3. Relationship to other buildings, both horizontally and vertically.
 4. Natural land features such as slopes and vegetation.
 5. Physical features such as rail lines, canals, and controlled ingress and egress.
 6. Visibility from vehicular approaches and distant highways.
 7. Safe pedestrian connections to buildings, walkways, open space, and streets.
 - b. Where possible, parking lots shall be broken up and planned as outdoor rooms through the use of buildings, walkways, open space, and landscape design. When approved, larger parking lots shall be broken up with substantial tree and ground cover. Large parking lots should be broken up into rooms of no more than 300 parking stalls through the use of connecting walkways.

Parking Structures



- c. Unless otherwise approved by the Planning Commission, parking lots are prohibited adjacent to any street.
- d. Underground parking, deck or terrace parking, and parking garages are encouraged and may be required in conjunction with structures of three stories or more. Said structures shall have architectural treatments compatible with adjoining buildings. Parking structures with first level parking immediately adjacent to the frontage of a street are prohibited. Parking structures shall be designed around natural light with safety lighting added as needed. Landscaping, within and without, may be required to enhance compatibility and safety.
- e. Developments are not allowed to be over-parked without justification. Developments may be approved with less than required parking if evidence can be shown that the nature of

the land use proposed will not generate the number of stalls as recommended in Chapter 21-24, as may be approved by the Planning Commission. Developments may also be under-parked if justified with a walkable design that demonstrates such, and/or where local multi-modal transit systems exist or are immediately planned, which would help reduce the number of needed parking stalls and/or automobile trips. Shared parking arrangements may be required in order to reduce unnecessary parking areas and to encourage pedestrian activity.

- f. Where possible, on-street parking shall be provided adjacent to developments, and a pro-rated share of such may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the City Transportation Engineer and approved by the Planning Commission.

(f) *Environmental Concerns.*

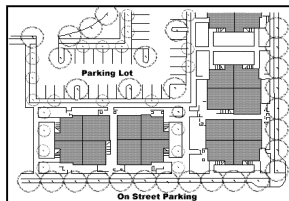
- (1) Building, landscape, and solar design should be adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement, planned in such a way to enhance livability and reduce energy costs.
- (2) The use of lighter colored building materials (i.e., roof tops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight. Parking lot landscaping shall be provided at the ratio of at least one tree per six parking stalls.
- (3) Where possible, drought-resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants without a public purpose are discouraged.

(g) *Requirements Unique to Residential Uses.* The following shall apply to residential uses:

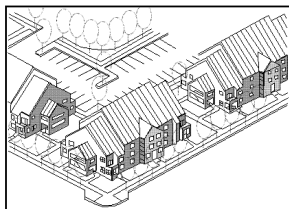
- (1) Multifamily residential use shall comprise a variety of types of housing, fulfilling housing needs with a wide assortment of housing options and shall be designed using traditional neighborhood development design principles. The number of bedrooms per unit and other housing design options shall be varied in proportions to assist in providing suitable housing for a market range of household incomes, family size, and life cycles. The site plan design of multifamily development shall conform to requirements heretofore presented. Setbacks shall be determined by the Planning Commission based upon acceptable layout and design. Where practically possible, like housing shall face like housing or open space.
 - a. The following traditional neighborhood development standards shall be required for multifamily residential:
 1. Properly designed off-street surface parking hidden from streets, parking terraces, or underground parking. Garage units associated with multifamily development should be rear loaded. Where only front loaded garages are possible, they shall be subservient to the residential structure.

2. Roofs with a four-twelfths pitch or greater, unless otherwise approved by the Planning Commission.
 3. Dwelling and garage gables facing streets and alleys.
 4. Extensive windows facing streets, alleys and pedestrian connections.
 5. Covered entrance porches.
 6. Entry sidewalks that connect directly to public sidewalks.
- b. The following traditional neighborhood development standards for multifamily residential shall be encouraged:
1. Multi-level structures.
 2. Dormers and/or shutters, and other window treatments.
 3. Street side balconies/decks.
 4. Streets which de-emphasize the need and speed of automobiles.
 5. Other pedestrian oriented design

Garden Apartments—Plan View

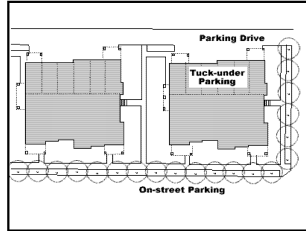


Garden Apartments—Elevations

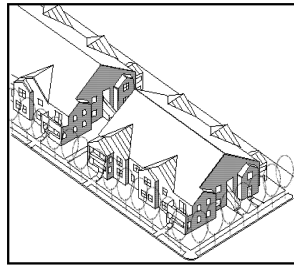


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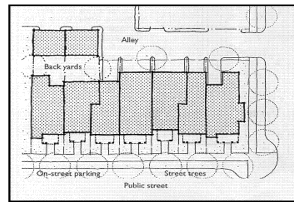
Condos w/Underground Parking—Plan View



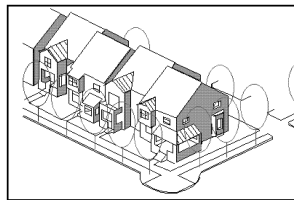
Condos w/Underground Parking—Elevations



Townhomes—Plan View



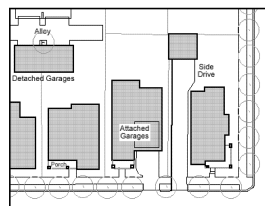
Townhomes—Elevations



- (2) Single-family residential uses, if approved, shall be designed using traditional neighborhood development design principles. Front setbacks shall range between 12 and 20 feet typically

measured from the inside edge of sidewalk to the porch. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than 18 feet. Side and rear setbacks shall be determined by the Planning Commission based upon acceptable subdivision layout and design.

- a. The following traditional neighborhood development standards shall be required for single-family residential:
 - 1. Subservient garages (i.e., back loaded detached with alley access, front loaded detached, attached but set back from the front line of the home by at least five feet, side entry attached, or a combination of the above).
 - 2. Roofs with a four-twelfths pitch or greater.
 - 3. Dwelling and garage gables facing streets and alleys.
 - 4. Covered open front porches comprising at least 50 percent of the front elevation (not including the garage), in no case being less than 15 feet in width.
 - 5. Entry sidewalks that connect directly to public sidewalks.
- b. The following traditional neighborhood development standards for single-family residential shall be encouraged:
 - 1. Two-story dwellings.
 - 2. House dormers and/or shutters, and other window treatments.
 - 3. Street side balconies/decks.
 - 4. Wrap-around porches, particularly on corner lots.
 - 5. Streets which de-emphasize the need and speed of automobiles.
 - 6. Other pedestrian oriented design.



Single Family Residential – Plan View



Single Family Residential – Elevations

(h) *Service Areas.*

- (1) Loading and refuse collection areas must be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened through landscaping and architectural design. Streets shall not be used directly for commercial loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Screen walls and enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris-free condition.

- (2) Except for approved and screened R.V. storage lots associated with a residential use, storage areas, including the storage of materials, merchandise, pallets, etc., shall be within buildings. (LDC 2008, § 15A-23-24; Ord. No. 12-07, 2-28-2012)

CHAPTER 21-24. PARKING, ACCESS AND CIRCULATION REQUIREMENTS

Sec. 21-24-1. Purpose.

(a) These regulations are established to reduce street congestion and traffic hazards in Sandy City by incorporating adequate, attractively designed facilities for off-street parking as an integral part of every use of land in the City. These regulations are intended to complement any performance standards relating to development of parking lots as may be contained in other chapters of this title.

(b) This chapter also provides for vehicle ingress and egress, internal circulation, reciprocal access, and transportation demand management options within developments. Vehicular access and circulation must be properly designed so that the City street system will be able to accommodate traffic at an acceptable level of service. Thus, this chapter is intended to balance the right of reasonable access to private property with safe and efficient travel.

(c) Streets have been categorized in the Transportation Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of mitigating traffic demand and reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the street network. These regulations further the orderly use of land, protect community character, provide universal pedestrian and bicycle access, and conserve natural resources by promoting well-designed road and access systems.

(LDC 2008, § 15A-24-01)

Sec. 21-24-2. General Provisions.

(a) *General.*

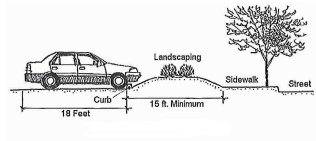
- (1) Minimum off-street parking space with adequate provision for ingress and egress by standardized vehicles shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity. Exception: Those homes existing or constructed prior to February 1, 2008, shall be exempt from the requirement to enlarge their attached garage to meet the present standard.
- (2) Parking areas shall be considered as structures since they represent a three-dimensional appearance when occupied. Parking shall be designed as outdoor rooms promoting maintenance and ownership.

(b) *Parking Space Size.*

- (1) All parallel parking spaces shall be a minimum of nine feet wide by 22 feet long, as designated on the diagram in this chapter.

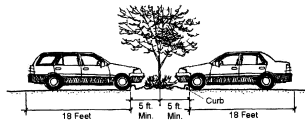
- (2) All parking spaces (not including parallel spaces) shall be a minimum of nine feet wide by 20 feet long, as designated on the diagram in this chapter.
- (3) Parking spaces (not including parallel spaces) may be reduced to 18 feet in depth based upon the following exceptions:
 - a. Where cars overhang landscape areas that are at least 15 feet wide along street frontages;

Reduction for Landscape Buffer



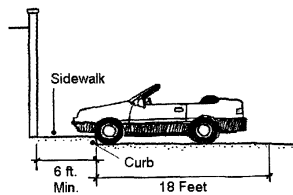
- b. Where cars overhang landscape areas that are at least five feet wide along a side or rear property line or adjacent to an interior parking lot landscape area that is at least ten feet wide (for double loaded parking);

Reduction for Planter Overhangs



- c. Where cars overhang a sidewalk on private property where the sidewalk is at least six feet in width; or

Reduction for Sidewalk Overhang



- d. 90-degree parking within a parking structure.
- (4) The minimum garage size for residential development shall be as follows:

<i>Type of Garage</i>	<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Minimum Square Footage</i>
Single	12 ft.	20 ft.	240 sq. ft.

<i>Type of Garage</i>	<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Minimum Square Footage</i>
Double	20 ft.	20 ft.	400 sq. ft.
Triple	30 ft.	20 ft.	600 sq. ft.

(c) *Floor Area Defined.* For the purposes of parking requirements, floor area shall be defined as the gross square footage of the building.

(LDC 2008, § 15A-24-02; Ord. No. 14-06, 4-23-2014)

Sec. 21-24-3. Special Access and Parking Provisions.

(a) *Alternative to On-Site Parking.*

(1) *Off-Site Parking.* Off-site parking may be allowed for the required parking of any new use, structure, or building in any commercial or RM District that cannot be provided on the premises due to the property's size or location according to the following criteria:

- a. The off-site parking must be located on other appropriately zoned property.
- b. The off-site parking cannot be more than 300 feet of walking distance from the nearest point of the parcel.
- c. The adjacent site has excess parking that is not required for their use, or the hours parking is needed will not conflict with the hours of use on the adjacent property.
- d. The applicant shall provide a document to the Community Development Department, signed by the owners of the alternate site and recorded at the Salt Lake County Recorder's Office, that stipulates the permanent reservation of use of the site for said parking.

(2) *Temporary Off-Site Event Parking.*

- a. Temporary off-site parking for events may be allowed after review and approval of a Parking and Access Management Plan by the Planning Commission at a public meeting. Temporary parking is parking established for a fixed period of time with the intent to discontinue such parking upon the expiration of the time period. An occasional event with an expected attendance of less than 500 persons or if the event does not occur more than once a year shall not be subject to the requirements of this section.
- b. The applicant will be responsible to make provisions for on- and off-site parking, safe pedestrian routes to and from the off-site parking, transportation to and from off-site parking locations beyond a 5,000-foot (approximately 15 minutes) walking route, entry and exiting methods, temporary or permanent traffic control methods, and restricting parking in identified areas.
- c. The Parking and Access Management Plan must be approved prior to the issuance of a temporary use permit, business license or Certificate of Occupancy required for the event, project, or use. Upon approval, the Parking and Access Management Plan shall be available for public inspection. All approved updates of a Parking and Access Management Plan shall be available for public inspection.

- d. The applicant may be responsible to post a guarantee for improvements and implementation of various components of the Parking and Access Management Plan.
- e. The Parking and Access Management Plan shall be submitted with the application for the project or use and shall:
 1. Determine the total number of parking spaces required based upon the land use category less any anticipated mass transit use projection, which may be limited to 15 percent of the total number of required parking spaces unless greater mass transit use is demonstrated.
 2. Establish the minimum number of on-site spaces that are required. Specify the number of those on-site spaces that will be reserved for or utilized by employees, VIPs, buses, media, etc.
 3. Establish the minimum number of off-site spaces, if any, that are required within a 1,650-foot (approximately five minutes) walking route of the site.
 4. Establish the minimum number of off-site parking spaces, if any, that are required within a 5,000-foot (approximately 15 minutes) walking route of the site.
 5. Establish the minimum number of off-site parking spaces, if any, that are required beyond the 5,000-foot (approximately 15 minutes) walking route of the site.
 6. Identify all off-site parking sites potentially available to be used for Subsections (a)(2)e.3 through 5 of this section. Identify methods that the applicant will provide for safe pedestrian routes to and from the parking sites satisfying Subsections (a)(2)e.3 and 4 of this section (e.g., wider sidewalks, trails, bridges, permanent or temporary traffic control devices, individuals directing traffic, etc.), and methods to provide transportation to and from those sites satisfying Subsection (a)(2)e.5 of this section (e.g., Trax, UTA buses, shuttle buses, etc.), and provide a timeline for the implementation of the identified methods. Each potential off-site parking location shall conform to the parking area development and maintenance requirements in this section.
 7. Identify neighborhoods and other areas that will specifically not be allowed to be part of the calculation of available parking spaces or will be subject to parking restrictions during the event. Identify measures that the applicant will implement to prevent parking within restricted areas (e.g., signage, security personnel, proposed new parking regulations, etc.), and provide a timeline for the implementation of the identified methods.
 8. Identify pedestrian exit times and volumes to on-site and off-site parking areas. Identify methods that the applicant will implement to manage the projected volume expeditiously and safely (e.g., wider sidewalks, temporary or permanent traffic control methods, etc.), and provide a timeline for the implementation of the identified methods.
 9. Include a Traffic Study presenting traffic counts, times and circulation patterns for a geographic area encompassing all potential off-site parking sites if required by the

City Transportation Engineer. If required, the Traffic Study shall also present the projected impact of the event on existing traffic counts, times and circulation patterns.

10. Identify the methods the applicant will implement, on vacant or unimproved lots, to control the dust and debris.
11. Identify any permits or approvals necessary from other transportation agencies with jurisdiction over roads or streets affected by the temporary or permanent traffic control measures identified in Subsections (a)(2)e.7 through 9 of this section.
12. Specify a date by which the applicant must provide the Planning Commission with evidence of availability of off-site parking spaces, safe pedestrian routes, transportation services, measures to prevent parking in restricted areas, and measures to manage entry and exit times and volumes of pedestrians and vehicles.
13. Indicate the time period for which the Parking and Access Management Plan will be in effect.
14. Be updated on a yearly basis or as otherwise required by the Planning Commission after the project or event has commenced operation. The Planning Commission shall hold at least one public meeting prior to the approval of any updated Parking and Access Management Plan.

(b) *Parking Increase.* Developments are required to provide a certain number of parking stalls, as determined by this title, based on the land uses associated with the site. In some cases, it may be appropriate to allow for more than the required parking. At the time of site plan review, a Parking Plan shall be submitted showing all parking spaces, the overall circulation system, and justification for requesting increases in parking space requirements as specified below:

- (1) *Increase up to Ten Percent.* The Director may approve an increase of up to ten percent of the amount of required parking upon review of one or more of the following that justifies the request:
 - a. *Parking Demand Analysis.* A study provided by a licensed transportation engineer that demonstrates actual usage of employees and customers of the proposed land use or similarly situated land uses in other locations.
 - b. *Market Demand Analysis.* A study provided by a licensed real estate professional or real estate financial professional that provides estimates of current market demand for a particular land use.
- (2) *Increase above Ten Percent.* The Planning Commission may approve an increase of up to 25 percent of the amount of required parking upon review of the criteria listed in Subsection (b)(1) of this section. The Planning Commission may approve a request to increase the amount of parking provided beyond the 25 percent increase of required parking if the additional parking is sited within a parking structure that meets the following criteria:
 - a. The parking structure contains at least 90 percent or more of the total proposed parking stalls of the development; and

- b. The footprint of the parking structure consumes no more than 50 percent of the above grade total site area, is contained within the proposed building footprint, or is completely underground; and
- c. The parking structure contains at least three levels; and
- d. The parking structure does not exceed the height of the surrounding buildings within the site.

(c) *Parking Reduction.* Developments are required to provide a certain number of parking stalls, as determined by this title, based on the land uses associated with the site. In some cases, it may be appropriate to allow for less than the required amount of parking. At the time of site plan review, a Parking Plan shall be submitted showing all proposed parking spaces, the overall circulation system, and justification for requesting reductions in parking space requirements as specified below:

- (1) *Reduction up to Ten Percent.* The Director may approve a reduction of up to ten percent of the amount of required parking upon satisfactory review of one or more of the following that applies to the request:
 - a. *Parking Demand Analysis.* A study provided by a licensed transportation engineer that demonstrates projected usage of residents, employees, and customers of the proposed land uses or similarly situated land uses in other locations.
 - b. *Market Demand Analysis.* A study provided by a qualified real estate market analyst that estimate current market demand for a particular land use. For the purpose of this section, a real estate analyst shall be defined as a real estate professional with expertise in financial analysis in support to the financing, acquisition, marketing and leasing of real property based on the study of economic conditions and market trends.
 - c. *Walkability and Multi-Modal Design.* Provide a site plan design that demonstrates walkable elements and promotes multiple modes of transportation. A study by a licensed transportation engineer shall provide a quantitative analysis of the anticipated parking demand and automobile trips based on the proposed design.
 - d. *Proximity to Transit.* A site that is within a half-mile ADA route distance of existing or immediately planned local fixed mass transit station that would help reduce the number of needed parking stalls and automobile trips.
- (2) *Reduction above Ten Percent.* The Planning Commission may approve a reduction above ten percent of the amount of required parking. Upon satisfactory review of two or more of the criteria listed in subsection (b)(1) of this section, they may approve up to a 15 percent reduction. Upon satisfactory review of three or more of those criteria, they may approve up to a 20 percent reduction. Upon satisfactory review of all four of those criteria, they may approve up to a 25 percent reduction.
 - a. No parking reduction shall be applied to any detached single-family housing development within the city limits.

- (3) *Residential Parking Reduction.* If a reduction to any parking requirement is granted for a residential development, it shall be required of the developer/owner to provide a minimum of one stall to each residential unit and include it in the base sale or lease price of the unit.
- (4) *Amendments.* Any amendments to the approved site plan or change in land use will cause any previously approved parking reductions for the site to be reviewed again by the appropriate authority and ensure that the required justification requirements have been met.

(c) *Shared Parking.*

- (1) *Shared Parking Proposal.* Notwithstanding any other parking requirements provided in this chapter, when land uses occupy the same lot or adjacent lots, the total number of off-street parking spaces required for each use may be combined and shared. A proposal for sharing off-street parking shall be presented to the Director. If the proposal involves the accommodation of more than ten parking spaces (total accumulated spaces required for all involved uses), the Director may present the proposal to the Planning Commission for site plan review.
- (2) *Requirements.* In order to qualify for approval for shared parking, applicants shall present the following:
 - a. The location and identity of each use that will share the facility.
 - b. The total parking requirement for each use.
 - c. The projected hours of operation of each use and the hours during which the peak parking demand will be experienced.
 - d. The number of existing and/or proposed parking spaces.
 - e. A site plan that provides for a distance of no greater than 500 feet from the nearest entrance of each use to the nearest edge of the parking facility.
 - f. A site plan that demonstrates that the proposed shared parking facility will comply with all standards required by this title for parking lot development.

(d) *Drive-Thru Business Stacking Space.* (See Chapter 21-23, Commercial, Office, Industrial, and Transit Corridor Development Standards.)

(e) *Excessive Parking.* Developments shall not have parking in excess of that required by this title without prior approval of the Director or Planning Commission, upon written justification of the specific need for more parking spaces than the provisions of this title allows. In addition, developers are encouraged to work out shared parking agreements with adjacent users wherever possible according to the provisions for shared parking contained within this title.

(f) *Prohibited Parking.* No parking shall occur in any alley, driveway, service driveway, traffic aisle (either public or ways open to the public), delivery area (other than for a minimal period of time needed for the delivery of goods and materials to a specific tenant) or other location designed for through traffic unless:

- (1) Said area has been specifically designated for parking on the original approved site plan; or
- (2) The original site plan has been specifically modified by written approval of the City Transportation Engineer, for parking space use; and

- (3) Be designed in accordance with the parking designs specified in this chapter.
(LDC 2008, § 15A-24-03; Ord. No. 18-18, § 1, 6-28-2018; Ord. No. 18-26, § 1(15A-24-03), 9-20-2018)

Sec. 21-24-4. Residential Parking Requirements and Restrictions.

(a) *Vehicles Must Be Parked Upon a Hard Surface.*

- (1) All areas utilized for the parking of vehicles shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the front yard, side yard, and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
- (2) Exceptions:
- a. A six-inch gravel base complying with City specifications may be used for the storage of recreational vehicles. This area must be kept weed-free.
 - b. Single-family residential properties with animal rights will be allowed to store animal transport trailers. These trailers are not required to be parked on a gravel or hard surface, but must be parked within the rear setback of the home.
 - c. Passenger vehicles used for daily transportation located at a residence that existed prior to hard surface parking requirements (concrete or asphalt) are exempt from this requirement. The resident bears the burden of proof relative to this exception.

(b) *Maximum Area.* The maximum area of hard surface for the purpose of parking vehicles on a residential lot shall be restricted to not more than 20 percent of the front yard, excluding the driveway providing access to the primary attached or detached garage, 35 percent of the rear yard, and one of the two side yards associated with the lot. Exception: The maximum area of hard surface allowed for residential lots with circular driveways shall be determined on a case-by-case basis.

(c) *Junk Vehicles That are Parked/Stored Outside.* A maximum of one junk vehicle may be parked or stored upon a lot outside a fully-enclosed permanent structure. Any parking of junk vehicles shall comply with the hard surface requirements stated within this section and shall be within the side or rear yard. If on a corner lot and located adjacent to the street, the junk vehicle must be screened from view from the street by a six-foot opaque fence. All junk vehicles shall be covered with a cover manufactured specifically for covering vehicles (no tarps allowed). Earth tone colors are encouraged (beige or brown tones) for vehicle covers.

(d) *Carports.* All structures attached to the dwelling for the purpose of protecting or otherwise covering the vehicle shall comply with Building Codes for the structure and with existing zoning regulations for minimum distance between main dwelling structures and side property lines. Detached carports are required to meet the minimum standards for an accessory structure and the adopted Building Codes.

(e) *Parking of Recreational Vehicles.*

- (1) *Parking Location Restrictions.* Recreational vehicles parked or stored at a residence must be located within the rear or side yard of the home. Such vehicles may only be parked or stored within the front yard of a home if it is physically impossible due to natural topography or property boundaries to locate a recreational vehicle within the rear or side yard of a home.

- (2) *Restricted Parking Area.* No recreational vehicle shall park or extend within a restricted parking area. The restricted parking area is defined as follows:
- a. *Interior Lots (Non-Corner Lots).* The street right-of-way, which includes the back edge of sidewalk (edge closest to the home, a minimum of five feet), or any area in which parking or storing of a recreational vehicle would create a traffic visibility hazard.
 - b. *Corner Lots.* Both frontages shall comply with those standards outlined for interior lots and nothing shall be parked that intrudes into the corner sight visibility triangle as defined by this title.
- (3) *Prohibited Parking Locations.* Recreational vehicles shall not be parked or stored within the street right-of-way.
- (4) *Number of Recreational Vehicles Permitted.* Only one such vehicle may be parked within the front yard, and then only when a side or rear yard location is not available. All recreational vehicles parked or stored on a residential lot must be owned by an occupant who resides at the residence.
- (f) *Parking of Commercial Vehicles.*
- (1) *Parking Location Restrictions.* Commercial vehicles parked or stored at a residence must be located within the rear or side yard of the home. Such vehicles may only park within the front yard of a home if it is physically impossible due to natural topography or property boundaries to locate a commercial vehicle within the rear or side yard of the home.
 - (2) *Restricted Parking Area.* No commercial vehicle shall park or extend within the restricted parking area. The restricted parking area is defined as follows:
 - a. *Interior Lots (Non-Corner Lots).*
 1. Any area in which parking or storing of the commercial vehicle would create a traffic visibility hazard.
 2. Commercial vehicles less than 24 feet in length and less than eight feet in height may not be closer than ten feet from the back edge of the sidewalk (edge closest to the home) or the public right-of-way.
 3. Commercial vehicles between eight feet and ten feet in height and less than 30 feet in length shall be parked in the side yard or rear yard.
 4. Commercial vehicles over ten feet in height or more than 30 feet in length shall not be parked on a residential lot.
 5. Semi-tractors, trailers, or trucks shall not be parked on a residential lot.
 - b. *Corner Lots.* Both frontages shall comply with those standards outlined for parking or storage of commercial vehicles on interior lots and nothing shall intrude into the corner site visibility triangle as defined by this title.
 - c. *Prohibited Parking Locations.* Commercial vehicles shall not be parked or stored within the street right-of-way.

- d. *Number of Commercial Vehicles Permitted.* Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence.
- e. *Storage of Commercial Vehicles.* The storage of any commercial vehicles for a period exceeding 72 hours is prohibited except for a bona fide temporary absence of the owner.

(g) *Enforcement.* The authority to enforce the provisions of this section shall be vested in the Sandy City Police Department and with the Community Development Department.
(LDC 2008, § 15A-24-04; Ord. No. 10-26, 7-30-2010)

Sec. 21-24-5. Parking Lots; Design Criteria.

(a) *On-Site Parking Required.* All required parking shall be provided on-site unless otherwise allowed by other provisions in this chapter.

(b) *Parking Consolidation.*

- (1) Parking facilities need not be located in one consolidated area of a particular site, but may be separated by landscaping or building elements for reasonable safe pedestrian access to the building. However, all parking must be located conveniently to the entrances to all buildings.
- (2) Location of parking shall be determined not only from its visual relationship to a building and site but also as it relates to safe and convenient pedestrian and vehicular circulation patterns. Location may also be determined by the relationship and location of customer parking, employee parking, service area parking, vehicular display areas, and circulation patterns thereto on adjoining properties. Combined entrance, access, circulation, service, loading, and parking areas may be required.

(c) *Reciprocal Access.*

- (1) Reciprocal access shall be designed into all commercial developments. Some cases may exist where grading differences or building locations make reciprocal access between developments impractical.
- (2) When a development is built in phases, each phase shall include the minimum number of parking stalls, necessary driveways, and access points required for the uses proposed in that phase of construction.

(d) *Minimum Parking Backout.* The minimum depth of a parking space backout area for all parking lots designed with 90 degree parking, whether designed for single or double loaded parking, shall be a minimum of 24 feet.

(e) *Curb.* The perimeter of all paved surfaces shall be finished with six-inch-high concrete curbing with handicap ramps, where necessary.

(f) *Parking Lot Surface.* Every parcel of land used as a parking or storage area shall be paved with impervious asphalt, brick, or concrete surfacing and shall be arranged and striped to provide orderly and safe loading, unloading, parking, and storage of vehicles.

(g) *Deviations to Surfacing Materials.* The City Engineer and Director shall review and may approve or deny other types of surfacing materials.

(h) *Striping.* Parking lot striping shall be maintained on a regular basis so that striping is visible for the safe ingress/egress and parking of vehicles.

(LDC 2008, § 15A-24-05)

Sec. 21-24-6. Loading Areas.

Loading and refuse collection areas shall not be permitted between buildings and streets. Loading areas and refuse collection areas shall not face toward any street and must be screened from view of public and private streets and rights-of-way.

- (1) Streets shall not be used directly for loading, unloading, or refuse collection.
- (2) Buildings and improvements upon lots must be designed to properly accommodate loading, unloading, and refuse collection.
- (3) At least one off-street loading space shall be provided and maintained on the same lot with every building or part thereof having a gross floor area of 10,000 square feet or more, that is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise are regularly made by a motor vehicle.
- (4) Off-street loading spaces may not block use of required parking space areas of site or adjacent sites.
- (5) Loading space shall be located no closer than 30 feet from the edge of the dock to any residential district and shall be located in the side or rear yard.
- (6) All loading and unloading shall be performed on the site. Such on-site loading areas shall be in addition to required off-street parking and shall not be located within driveways.
- (7) Each loading area shall be not less than 12 feet wide, 25 feet long and, if enclosed or covered, 14 feet high. Adequate turning and maneuvering space must be provided on the site.
- (8) Loading/unloading and refuse collection activities shall follow hours specifically noted in Chapter 13-2.

(LDC 2008, § 15A-24-06)

Sec. 21-24-7. Accessible Parking Spaces Requirements for Persons with Disabilities.

(a) Accessible parking and passenger loading facilities for residential and commercial uses shall be as outlined in the International Building Code, the American National Standard (ICC/ANSI A117.1), as adopted by the State of Utah.

(b) Accessible parking spaces required by this section may be counted towards the fulfillment of the general on-site parking requirements of this chapter.

(LDC 2008, § 15A-24-07)

Sec. 21-24-8. Parking Space Requirements.

(a) *Specific Requirement for Each Land Use.* Off-street parking shall be provided for land uses as described below. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning Commission. Land uses are grouped into categories that have comparable parking requirements.

(b) *Table of Parking Requirements by Land Use Category.* The following minimum parking is required:

Parking Requirements by Land Use Category

<i>Land Use Categories</i>	<i>Space Requirements</i>
Residential	
Dwelling, single-family	2 spaces per dwelling unit (within an enclosed garage)
Dwelling, duplex	2 spaces per dwelling unit
Dwelling, multiple-unit (tri-plex, four-plex, and five-plex)	2 spaces per dwelling unit
Dwelling, multiple-unit (apartments)	
-one-bedroom unit	1.5 spaces per unit
-two-bedroom unit	2.0 spaces per unit
-three or more bedroom unit	2.5 spaces per unit
-guest parking	0.25 spaces per unit
	NOTE: There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit.
Assisted living center, nursing home, convalescent home and other similar uses as determined by the planning Commission upon review.	0.5 spaces per bed, plus 10% for support staff/physicians, plus a bus only parking stall to meet the dimensions of a handicap parking stall
Senior or elderly housing	1 space per unit (The completed parking ratio may be reduced to one space per unit for any congregate care facility, provided that adequate space is created and landscaped that can be converted to additional parking stalls to comply with the minimum standards as set forth for Planned Unit Developments. The area that is held in reserve for additional parking shall not be located within a required landscape setback area, and shall not be used in the calculations for any required landscaping or open space coverage percentage.)
Retail Commercial	
Automotive repair (service bays are not included in the required number of required parking spaces)	5 spaces per 1,000 sq. ft.
Commercial retail sales and services**	
Heavy commercial	
Commercial center, community	
Commercial center, convenience	
Commercial center, neighborhood	
Commercial center, regional	
Liquor sales	
Exceptions: **Reduction may be allowed by the Planning Commission for retail businesses with exceptionally large show room floor space per volume of sales (e.g., furniture store at a ratio of 3 spaces per 1,000 sq. ft.)	
Commercial Services, Offices	
Bar, tavern, club	3.5 spaces per 1,000 sq. ft.

<i>Land Use Categories</i>	<i>Space Requirements</i>
Business or financial services	4.0 spaces per 1,000 sq. ft.
Dance hall, discotheque	3.5 spaces per 1,000 sq. ft.
Day care, group	One space for each instructor (plus drop-off space)
Veterinary office	4 spaces for each practitioner
Medical and health care	5 spaces per 1,000 square feet OR 4 spaces for each practitioner plus 1 space per employee (including practitioner) at highest shift, whichever is greater. For the purpose of the parking ratio. Employees include nursing staff, receptionist, rehabilitation specialists, and dental assistants. Site plan shall be reviewed to verify compliance with this standard upon application of business license. Business License shall be denied if adequate parking is unavailable.
Motel, hotel	1 space per rental unit, 1 space for each 200 sq. ft. of assembly, conference space, banquet, sit-down restaurant facility and office space
Recreation, Indoor	
Bowling center	5 spaces per lane
Movie theater	1 space per 4 seats
Skating rink	3 spaces per 1,000 sq. ft. of skating area
Restaurants	
Restaurant—sit down	1 space per 3 seats (including outdoor seating) plus 0.5 space per number of employees on the largest shift (minimum of 5 employee spaces)
Restaurant—drive-in/drive thru (all fast food outlets with large proportion of take-out and/or drive-in service.)	1 space per 100 sq. ft. of floor area. Required parking spaces do not include spaces required in drive thru lanes).
Public Uses	
Hospital	2 spaces per bed
Rehabilitation center	0.5 space per bed
School, private or quasi-public	As determined by Planning Commission review
School, public	As determined by Planning Commission review
Elementary and middle school	1 space per teacher and staff plus 1 space per 2 classrooms.
Senior high school	1 space per teacher and staff plus 1 space per 5 non-bussed students.
Religious or cultural activity	1 space per 4 seats
Theater or concert hall	1 space per 4 seats
Industry	
Industry, light and medium	1 space per 1,000 sq. ft. of gross floor area
Warehouse, wholesale, storage	1 space per 1,000 sq. ft. of storage space
Special Review	
Athletic, tennis or health centers	Specific off-street parking shall be determined by the Planning Commission.
Auto, truck, R.V. and equipment sales and storage	
Cemetery, columbarium, mausoleum	
Golf course	
Park (active and passive)	
Recreation center	
Recreation, outdoor	

(LDC 2008, § 15A-24-08; Ord. No. 10-26, 7-30-2010)

Sec. 21-24-9. Parking Structure Design Standards.

(a) *Setbacks.* The parking structure shall comply with the minimum requirements, including all height adjustments for stepped buildings.

(b) *Maximum Height.* The parking structure shall comply with all height requirements, including the stepping back of the additional stories above grade.

(c) *Parking Stall Size Requirements.*

(1) Ninety-degree stalls within parking structures shall be a minimum of nine feet wide by 18 feet long. Drive aisle dimensions and all other angled parking shall be designed according to the specifications listed within the chapter.

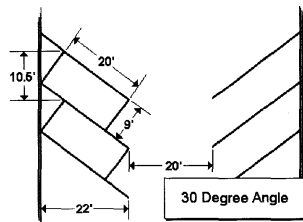
(2) Signage shall be installed on parking structures to discourage the parking of oversized vehicles.

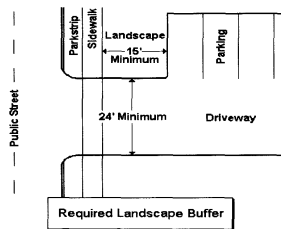
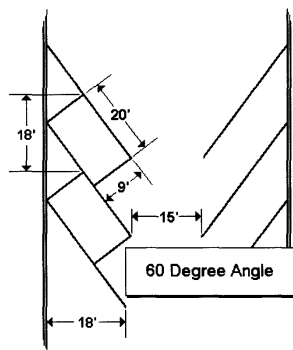
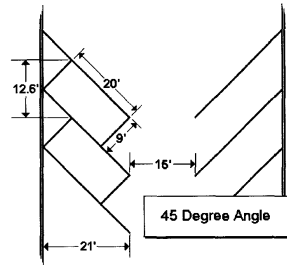
(d) *Parking Structure Appearance Requirements.* Parking structures shall be designed to complement adjacent non-parking structures and blend in with the local manmade or natural environment. If adjacent to an existing or future office building and the facility is adjacent to a right-of-way, the parking structure shall be designed to appear as an office building with simulated window openings and doors, unless otherwise approved by the Planning Commission. Exterior elements shall use at least one of the following materials: embossed concrete, polished masonry, colored glass, and/or brick. Stucco shall not cover more than 20 percent of the hard vertical surface area. Stucco may only be used if approved by the Planning Commission after determination that the material blends with the adjacent manmade or natural environment and is used in an architecturally pleasing manner (such as quoins, pediments, etc.).

(e) *Landscaping.* The parking structure shall be landscaped at the base of the facility with trees and shrubs, along with other materials that will de-emphasize the use of the facility as a parking structure. It is strongly encouraged, but not required, to landscape the top level with trees, grass, and other pedestrian-friendly elements.

(LDC 2008, § 15A-24-09; Ord. No. 14-06, 4-23-2014)

Sec. 21-24-10. Parking Stall Dimensions.





(LDC 2008, § 15A-24-10)

Sec. 21-24-11. City Approval of Access Required.

Access to a public street requires approval by the Public Works Director based on the standards contained in this title and the Sandy City Standard Specifications and Details for Municipal Construction.

(LDC 2008, § 15A-24-11)

Sec. 21-24-12. Traffic Impact Analysis.

The City may require a traffic impact analysis prepared by a registered engineer to determine access, circulation, transportation demand management, and other reasonable transportation system mitigation requirements.

(LDC 2008, § 15A-24-12)

Sec. 21-24-13. Access; Ingress and Egress.

(a) *Ingress and Egress.* All parking areas shall be designed to provide ingress and egress from a public street by forward motion of the vehicle. Single-family developments are exempt from this requirement.

(b) *Paved Access.* All off-street parking areas shall have access to a public street by means of a paved driveway that extends no less than 15 feet from the public right-of-way to the nearest parking area and/or driveway access to parking spaces. No parking space shall be located within the first 15 feet of a driveway. Single-family developments are exempt from this requirement.

(c) *Entry/Guardhouse Gateways.* Where an entry gate or guardhouse controls vehicle access or egress, a stacking lane shall be provided as required by the City Transportation Engineer. The stacking lane shall not interfere with maneuvering, traffic flow of aisles, streets, bike paths, parking spaces, and sidewalks.

(d) *Unobstructed Access.* Unobstructed and direct driveways shall be provided from commercial off-street parking or loading facilities to a street or alley. Loading driveways may coincide with driveways to parking facilities.

(LDC 2008, § 15A-24-13)

Sec. 21-24-14. Access and Maneuvering for Fire and Refuse Trucks.

Parking lots shall include the necessary dimensions for the on-site maneuvering of refuse vehicles and fire trucks, as determined by the City Transportation Engineer and City Fire Marshal. A minimum 20-foot-wide, unobstructed driveway, lane, or other access way and turn-around may be required for this purpose. No off-site maneuvering is permitted.

(LDC 2008, § 15A-24-14)

Sec. 21-24-15. Driveway Access; General Standards.

(a) *Determination of Necessity.* In establishing permissible curb openings and sidewalk or driveway crossings for access to private property, such curb openings or driveways shall not be authorized where they are unnecessary or where they would interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley. In no case shall any curb opening be of greater width than necessary for reasonable access to the property to be served.

(b) *Width of Curb Openings.* In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening. The curb opening or width of each driveway shall be defined as the throat width of the driveway at the inside point of the curb transition radius at the top face of the curb.

(c) *Number of Curb Openings.* Only one driveway opening per street frontage/per parcel shall be allowed unless a capacity or safety need for more than one driveway opening can be demonstrated to the City Transportation Engineer. This may be determined on a case-by-case basis.

(d) *Reciprocal/Shared Access.* Where nonresidential uses share a property line, off-street parking lots serving the properties shall be made accessible to each other unless grade differences or building locations make reciprocal access between developments impractical.

(e) *Single-Family Residential.*

- (1) Minimum separation from driveways, measured from edge of driveway to edge of driveway at back of sidewalk, is 30 feet for multiple drive approaches along the same parcel.
- (2) No circular driveway that cuts across corner lots to access two separate streets is allowed.

(LDC 2008, § 15A-24-15)

Sec. 21-24-16. Driveway Separations.

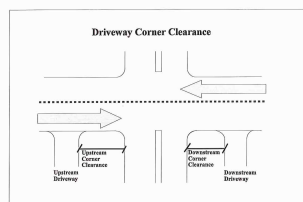
(a) *Frontage on Arterial (106 feet plus) or Major Collector Streets (80 Feet Plus).* Uses, other than single-family dwellings, on parcels with less than 150 feet of frontage shall be required to share a common driveway in order to assure that a minimum of 170 feet of continuous curb and gutter exists from the throat of one driveway to the throat of the next adjacent driveway. Driveways offset less than 170 feet from existing driveways, approved driveways, or existing public streets on the opposite side of the street shall not be allowed unless the City Transportation Engineer determines that an unacceptable capacity or safety impact will not result.

(b) *Frontage on Minor Collector (60 feet or 66 feet) or Local Streets (50 Feet Plus).* Uses with less than 70 feet of frontage shall be required to share a common driveway in order to assure that a minimum of 90 feet of continuous curb and gutter exists from the throat of one driveway to the throat of the next adjacent driveway. Driveways offset less than 170 feet from existing or approved driveways on the opposite side of the street shall not be allowed unless the City Transportation Engineer determines that an unacceptable capacity or safety impact will not result. Single-family developments are exempt from this requirement.

(c) *Driveways Adjacent to Intersections.* The minimum distance from the intersection to the nearest driveway shall be according to the following intersection illustration and distance table. (Distances are measured from the back of curb to the throat of the nearest edge of the driveway.)

Driveway Clearance Distances

	<i>Median Barrier Present</i>	<i>Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>
Driveway clearance	No	200 feet	175 feet	50 feet
Driveway clearance	Yes	185 feet	115 feet	50 feet



(d) *Deviations to Driveway Separation.* The City Transportation Engineer shall review and may approve or deny deviations to the above standards based upon a site visit and review of items, including, but not limited to:

- (1) Safety.

- (2) Alternative access points and potential for reciprocal/shared access.
 - (3) Sight lines.
 - (4) Impact on traffic flow.
- (LDC 2008, § 15A-24-16)

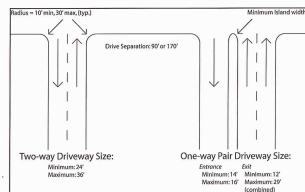
Sec. 21-24-17. Driveways; Widths and Curb Designs; Non-Single-Family Residential Developments.

(a) *One-Way.*

- (1) One-way driveways shall be not less than 12 feet, nor more than 24 feet in width. A wider one-way driveway may be required by the Sandy City Fire Marshal.
- (2) Exception: No two complementary one-way driveways may total more than 45 feet in width.

(b) *Two-Way.*

- (1) Two-way driveway approaches shall be not less than 24 feet, nor more than 36 feet in width. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening.
- (2) Wherever a common driveway is constructed serving two or more properties, the common curb opening shall have a maximum width of 36 feet.



- (3) The City Transportation Engineer shall review and may approve or deny deviations to the above driveway width standards based upon review of the site and land use, along with impact on streets and neighbors.

(c) *Drive Approaches.* All driveway approaches shall be constructed with curb radii and provide for handicap access.

- (1) *Minimum Curb Radius.* All drive approaches shall have a minimum end transition (curb radius) of ten feet and a maximum of 30 feet. If the driveway is to be used for delivery truck traffic, the minimum curb radius shall be 25 feet.
- (2) *Driveways.* Driveways shall be located a minimum of five feet from the property line, measured from the throat of the driveway. This does not apply to property lines where a shared driveway is proposed.
- (3) *One-Way Paired Driveways.* Where a driveway is of the split, one-way paired directional type, there shall be a raised landscaped island of at least five feet in width between the two driveways. The size of the entrance shall have a minimum of 14 feet and a maximum of 16 feet. The exit lanes shall be a minimum of 12 feet and a maximum of 29 feet (combined).

- (4) *Maximum Curb Opening Coverage.* The total width of all curb openings shall not exceed 40 percent of a project's frontage. For corner lots, the total width of all curb openings shall not exceed 30 percent of the combined frontages.
 - (5) *Vehicle Encroachment.* No curb opening will be approved that allows vehicle encroachment on any portion of a street right-of-way for loading, unloading, or standing.
 - (6) *Drainage.* Curb openings and driveways shall be paved and shall provide for adequate drainage.
 - (7) *Drive Angle to Right-of-Way.* All driveways shall intersect the street at a 90-degree angle to a distance at least 15 feet from the property line.
- (LDC 2008, § 15A-24-17)

Sec. 21-24-18. Unused or Abandoned Drive Approaches.

(a) Upon the issuance of a building permit, any unused or abandoned drive approaches or portions thereof shall be restored to the original curb section by the removal of the drive approach and replacement with high back curb and gutter to Sandy City Specifications and Details for Municipal Construction at the expense of the property owner adjoining that portion of the right-of-way.

(b) Upon refusal or neglect of the property owner or agent to restore the unused or abandoned drive approach to its original high back curb and gutter section, the City may proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.

(LDC 2008, § 15A-24-18)

Sec. 21-24-19. Improvements in Public Right-of-Way.

Improvements in the public right-of-way shall be designed and constructed in conformance with the AASHTO specifications, including, but not limited to, the following:

- (1) *Minimum Design Vehicle.* The minimum design vehicle shall be the single-unit truck.
 - (2) *Sight Obstructions.* No object shall be situated to interfere with the required sight distance of intersections as set forth in the AASHTO specifications.
- (LDC 2008, § 15A-24-19)

Sec. 21-24-20. Pedestrian and Bicycle Access and Circulation Standards.

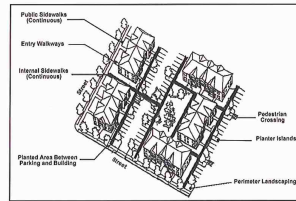
(a) *Purpose.* The purpose of this section is to provide transportation options and ensure that new pedestrian and bicycle facilities are designed to be attractive, safe, and convenient to use, as well as ADA accessible and supportive of transit use.

(b) *Pedestrian and Bicycle Accessibility.* All projects that are subject to the provisions of this title shall provide for pedestrian and bicycle accessibility. Accessibility shall be from a direct, convenient, and attractive pathway system that conforms to the following standards:

- (1) *Continuous Pathways.* A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances as generally shown in the following Figure.

The Director may require the developer to connect or stub pathways to adjacent streets, private property, adjacent trails, plazas, future phases of development, and open space areas (when reciprocal access is available or can reasonably be provided).

Pathway Circulation



- (2) *Pathways Encouraged to be Raised.* For the purpose of pedestrian safety, pathways through parking lots are encouraged to be raised on a six-inch-high curb, with the exception of areas crossing driveways.

(c) *Pathway Safety, Comfort, and Convenience.* All portions of a development shall be accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, as follows:

- (1) *Direct.* Pathways should not deviate unnecessarily from a direct route or involve a significant amount of out-of-direction travel.
- (2) *Safety, Comfort, and Accessibility.* Pathways should be free from hazards, have appropriate lighting levels (i.e., relative to the adjacent uses and considering natural surveillance), be suitable for people in wheelchairs (e.g., traction, not bumpy, etc.), and/or people with visual impediments, and provide a reasonable route of travel between destinations. The pathway system shall comply with ADA requirements.
- (3) *Access to Primary Building Entrances and Parking Areas.*
- a. For commercial, industrial, mixed use, public, and institutional buildings, at least one pedestrian pathway is required to connect the public sidewalk to the primary entrance. A primary entrance is the main public building entrance. In the case where no public entrance exists, pathway connections shall be provided to the main employee entrance.
 - b. For multifamily buildings and ground floor residential uses in mixed use buildings, the primary entrance is the front door (i.e., facing the street), except that for multifamily buildings or courtyard housing in which each unit does not have its own exterior entrance facing a street, the primary entrance may be a lobby, courtyard, plaza, or breezeway that serves as a common entrance for more than one dwelling.
- (4) *Pedestrian Amenities.* Pedestrian amenities such as benches, planters, trees, lighting, etc., are required along sidewalks and pathways to provide defensible space, crime prevention, pedestrian comfort, and accessibility.

(d) *Design and Construction Standards for Pathways and Access Ways.* At a minimum, all pathways and access ways shall conform to the following standards:

- (1) *Vehicle Separation from Pathways and Access Ways.* Pathways and access ways adjacent to a driveway, street (public or private), or parking spaces are encouraged to be raised six inches and curbed, and be separated from the driveway/street by a buffer strip with a minimum width of 11 feet (combined landscaping and meandering walk), utilizing bollards, lighting, landscape berming, or other physical barriers. The ends of the raised portions must be constructed with accessible curb ramps.
- (2) *Housing Separation from Pathways and Access Ways.* Pedestrian pathways and access ways shall be separated a minimum of ten feet from all residential living areas on the ground floor, except at building and courtyard entrances, to provide for privacy in living areas. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. Pathway/building separation is not required for commercial, industrial, public, or institutional uses except as may be required through site plan review.
- (3) *Crosswalks.* Where pathways and access ways cross parking areas, driveways, or private streets, they shall be clearly marked in accordance with ADA standards. Continuous pedestrian pavement materials are encouraged across such areas.
- (4) *Surface Materials.* Pathway and access way surfaces shall be concrete and have a width that is based on their function. Pavers, brick, and other ornamental paving may be used if it has a smooth finish. Textured or bumpy materials may be used as an edge treatment provided an accessible route is provided between the edge treatment. Multi-use paths (e.g., bicycles and pedestrians), shall be concrete or asphalt.

(e) *Shade on Long Access Ways and Pathways.*

- (1) When the primary entrance of a building is more than 100 feet from the nearest point of a public sidewalk and the entrance is accessed by a pathway traversing a parking lot with more than 100 parking spaces, an overhead, shade structure or tree canopy is encouraged along the pathway.
- (2) Shade elements may include opaque structures (e.g., arbors, pergolas, porticos, awnings, canopies, etc.), and/or shade trees planted 30 feet on center or closer.

(LDC 2008, § 15A-24-20)

CHAPTER 21-25. LANDSCAPING STANDARDS

Sec. 21-25-1. General Landscaping Standards.

The following standards shall apply to all districts:

- (1) *Preservation of Natural Features.* The preservation of natural features that enhance the development and will benefit the community, including trees, scenic points, view corridors, historic buildings or locations, unique geological formations, and other community assets shall be preserved and incorporated into the overall Landscape Plan.

- (2) *Parking in Landscaped Areas.* Parking is prohibited upon any front, side, rear, or interior landscaped areas.
- (3) *Parkstrip Maintenance.* Parkstrip maintenance shall be the responsibility of the adjacent property owner. Proper maintenance shall include the removal of all weeds (regardless of height) and debris. Adjacent property owners are required to landscape and beautify the parkstrip with approved streetscape materials. Unless otherwise approved by the Public Works, Public Utilities, and Parks and Recreation Departments, placement of concrete slabs or other impenetrable material, other than approved hard surface materials, as set forth below, within the parkstrip is prohibited. It is prohibited to install either permanent or temporary recreational equipment, such as a basketball standard, anywhere within the public right-of-way.
- (4) *Parkstrip Hard Surface and Streetscape Materials.*
 - a. Parkstrip hard surface material includes material that is not plant material, does not need watering, and is a permanent surface. Examples would include colored concrete, stamped concrete (e.g., Bomanite), and concrete pavers.
 - b. In general, it is preferable to have no more than 50 percent of the parkstrip area covered in hard surface material. Hard surface sections should alternate with planted sections and be complementary to the surrounding landscape. The property owner is required to obtain a road cut permit from the Public Works Department prior to adding or changing any hard surface materials within the parkstrip. All hard surface material must be installed according to the specifications within the Sandy City Standard Specifications and Details for Municipal Construction.
 - c. Landscaped sections used in conjunction with hard surface sections should not include trees if the parkstrip is less than eight feet wide. If parkstrip is eight feet wide, planting may include trees (planted equidistant from the sidewalk and curb and gutter in a planter bed no smaller than eight feet wide by eight feet long), sod, ground cover, drought tolerant shrubs, bark, or colored mulch not to exceed three feet in height. Planting within 15 feet of the driveway should not exceed three feet in height. Drip irrigation systems are highly encouraged and landscaping should comply with Section 21-25-4.

(LDC 2008, § 15A-25-01; Ord. No. 11-14, 9-2-2011)

Sec. 21-25-2. Commercial and Industrial Landscaping Requirements.

(a) *Front Yard.* Front yard landscaping is measured from the front property lines after any required street dedication. This standard shall apply to all street frontages.

- (1) *Commercial and Industrial Zones.* In all commercial and industrial zones, a minimum of 15 feet of front yard landscaping shall be required.
- (2) *Berming.* The use of berms (random sculptured mounds), 12 to 18 inches high above the curb level, are required in all front landscape areas where found to be practical by the Community Development and Public Utilities staff.
- (3) *Street Trees.* Two-inch minimum caliper street trees shall be planted in the front parkstrip area (centered between the sidewalk and the curb to minimize tree conflicts and to maximize tree root

zone) where the parkstrip is a minimum of eight feet in width, according to the varieties and spacing specified in the Sandy City Streetscape Plan. Where the parkstrip is less than eight feet in width or the sidewalk has been placed against the curb, street trees shall be planted four feet behind the sidewalk.

- (4) *Front Landscape.* Front landscape areas shall include a combination of sod as well as areas of trees, shrubs, ground covers, and mulch.
 - (5) *Elimination of Parkstrip.* The Planning Commission may approve the elimination of the parkstrip in a commercial district allowing the sidewalk to be placed against the curb. If the elimination of the parkstrip is approved by the Planning Commission, the sidewalk against the curb shall be increased in width to six feet or wider as per AASHTO standards. In these instances, the front landscape area shall not be less than 20 feet in depth.
 - (6) *Non-Existent Parkstrips.* Where a sidewalk exists directly adjacent to a public right-of-way, the front landscaping shall be a minimum of 20 feet in depth.
- (b) *Side and Rear Yards.*
- (1) There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access, or where structures are allowed to have a zero setback) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.
 - (2) Areas not visible from the street shall have one landscape area in the amount of 100 square feet for every 75 lineal feet of property line not visible from the public right-of-way.
- (c) *Landscaping Within Parking Areas.*
- (1) Landscaping within all parking and driveway areas shall comprise a minimum five percent of the total square footage of those areas, in addition to the required front, side, and rear landscaping (parking area shall be defined to include all asphalt areas with parking spaces and driveways). The placement of this landscaping shall be within parking areas to break up the mass of asphalt as well as adjacent to the building for foundation landscaping. Such landscaping shall be composed of natural elements, including ground cover, shrubs, trees (evergreen and deciduous), and combinations of mulch.
 - (2) All traffic islands shall be fully landscaped and be considered as a portion of the required five percent parking lot landscaping and shall be a minimum of five feet in width.
 - (3) Landscape planters and/or raised barrier sidewalks shall be installed along buildings (except where not visible from public access areas or loading areas) and any paved areas where visible from the street to provide safety to pedestrians, to protect the structure, and to provide foundation landscaping to soften a structure's appearance.
 - (4) All landscaped areas abutting any paved area shall include a six-inch-high concrete curb. Concrete bumper stops are not acceptable.

- (5) At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than three feet above street level within the area required for minimum sight distances for local roads and streets.

(d) *Undeveloped Areas.*

- (1) All undeveloped areas shall be maintained free of weeds and trash.
- (2) All expansion areas or pad sites shall be maintained with drought tolerant sod, mulch, or other materials as approved by the Director until such time as construction is started on that building pad.

(e) *Adjacent to Residential Districts.* A minimum ten-foot width of landscaping shall be provided on an applicant's property, including a combination of trees and shrubs (evergreen and deciduous), and ground covers shall be provided to create a buffer for the adjacent residential district.

(f) *Installation.*

- (1) It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
- (2) All trees planted on-site less than two-inch caliper shall be double staked.
- (3) All landscaping shall be completed in accordance with the plans submitted and approved by staff.
 - a. All landscape work must be installed prior to a Certificate of Occupancy of the building being issued or as otherwise approved by the Community Development Department as seasonal conditions may dictate.
 - b. The developer shall bond for such landscape improvements if not installed prior to occupancy to assure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.

(g) *Maintenance.*

- (1) It shall be the responsibility of the property owner to properly maintain landscaped areas in accordance with the approved site plan and Landscape Plan, which includes watering, mowing, proper pruning, fertilizing, the removal and replacement of dead plant materials in a timely manner, and the maintenance of irrigation systems to eliminate waste of water.
- (2) All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned only as necessary to promote healthy growth.
- (3) Unless approval is otherwise provided by the Director, trees shall be allowed to attain their normal size and shall not be severely pruned up from the ground or "hat racked" in order to permanently maintain growth at a reduced height. Pruning trees solely for the purpose of exposure is prohibited.

- (4) Pruning trees for traffic safety reasons shall be reviewed and approved by the City Transportation Engineer.
- (h) *Vegetation Removal.*
 - (1) Once the required landscaping has been installed, it shall not be removed without the approval of the Community Development Department.
 - (2) Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable original Landscape Plan caliper in compliance with the Sandy City Streetscape Plan, unless otherwise approved by the Community Development Department.
 - (3) When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Director.
 - (i) *Minimum Tree Size.* The minimum size of all trees planted on a development site shall be as follows:
 - (1) Street trees: two-inch caliper minimum as measured 18 inches above grade.
 - (2) All other trees on-site: 1½-inch caliper minimum as measured 18 inches above grade.
 - (3) Evergreen trees: six-foot minimum height above grade.
 - (j) *Tree Mix.* There shall be a mix of evergreen and deciduous trees on all development sites to allow for a green winterscape. A minimum of 40 percent of all trees on the proposed site shall be evergreens, where found to be practical by the Community Development Department.
 - (k) *Existing Trees.*
 - (1) The retention of existing healthy, desirable tree species on-site is strongly encouraged. Buildings and parking areas should be designed around existing trees wherever possible.
 - (2) A tree survey on an existing site may be required as determined by the Community Development Department.
 - (l) *Minimum Number of Trees.* A minimum ratio of one tree per every 500 square feet of on-site landscaping shall be provided on the overall site plan.
 - (m) *Xeriscape.*
 - (1) Xeriscape is encouraged in required landscape areas. A true xeriscape may include a combination of drought-resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials.
 - (2) All xeriscape design and installation shall be completed by a professional landscape designer and installer certified in the design and installation of xeriscape.

(LDC 2008, § 15A-25-02; Ord. No. 14-24, 9-4-2014)

Sec. 21-25-3. Tree Stewardship.

(a) *Purpose.* Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the City that:

- (1) Specified City property be landscaped to enhance the natural beauty of the City.
- (2) Responsibilities of City departments be coordinated to encourage quality landscaping.
- (3) Landscaped City properties be effectively managed.
- (4) The City plant species of trees that are aesthetically pleasing, require less maintenance (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
- (5) The street environment be made hospitable through landscaping.
- (6) Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this section is enacted and intended to establish a Tree Stewardship Ordinance. This section may be referred to as the "Tree Stewardship Ordinance."

(b) *Urban Forester.* The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this section. The Urban Forester shall:

- (1) Be responsible for the long-term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks and Recreation Department, Public Utilities Department, and the Public Works Department.
- (2) Foster and maintain partnerships between public and private parties for the benefit of trees.
- (3) Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
- (4) Keep abreast of new information and research in arboriculture.
- (5) Provide a written annual report to the Parks and Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
- (6) Train and supervise City crews so the best methods of tree care are practiced in the community.
- (7) Work with engineers, architects, and the Community Development Department during the design phase of development.
- (8) Periodically review this section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

(c) *Citizen Responsibilities.* Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property, except in those parkstrips that are maintained by the City:

- (1) Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.

- (2) Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
 - (3) Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
 - (4) The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
 - (5) Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
 - (6) Maintain ground covers, except in those parkstrips maintained by the City.
 - (7) Notify the Urban Forester of any hazard tree.
 - (8) Rake, clean up, and properly dispose of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
 - (9) Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
 - (10) Keep any branches that overhang a public access sidewalk pruned eight feet above the sidewalk and any branch that overhangs a road pruned 14 feet above the road.
- (d) *City Responsibilities.* The City shall assume responsibility for:
- (1) Tree care in City-owned and -operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this section.
 - (2) Pruning of City trees, as necessary, after appropriate notification to property owners.
 - (3) Pruning of trees in the City-maintained public rights-of-way and utility easements.
 - (4) Removal and replacement of diseased or dying City trees that are beyond reclamation, as determined appropriate by the Urban Forester.
 - (5) Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.
 - (6) Maintenance of planted areas on City property and specifically designated City rights-of-way.
- (e) *Responsibility for Correcting Private Hazard Trees.* Where a hazard tree (see definition) exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.
- (1) It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.

- (2) If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
- (3) Notice under Subsection (e)(2) of this section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
- (4) If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
- (5) The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
- (6) If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
- (7) The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
- (8) Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within ten working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks and Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

(f) *Protection of City Trees.*

- (1) It shall be unlawful for any person to do any of the following:
 - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
 - b. Fill up the ground area around any City tree so as to shut off air, light, or water from its roots.
 - c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
 - d. Pour or spray any injurious matter on or around a City tree.
 - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, ground cover, or lawn.
 - f. Post any sign, tree stake, or guard, or fasten any guy wire, cable, or rope to any City tree, tree stake, or guard.
 - g. Prune trees for commercial exposure.

(2) Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than four feet high and have a two-foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.

(3) No person shall use a City tree for any unauthorized purpose.

(g) *Trees Planted in Parkstrips.* Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.

(h) *Interference with Service.* It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.

(i) *Historic Tree Preservation.* The Urban Forester, in conjunction with the City's Parks and Recreation Department, the Community Development Department, and property owners, may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.

(j) *Preservation of Trees During Development.* Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least three-inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.

(k) *Violation and Penalty.* Any person who violates any provision of this section shall be guilty of a Class C misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this section causes the injury, mutilation, or death of a tree, shrub, or other plant located on City-owned or -maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal," as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person or entity who violates this section as is deemed appropriate, including abatement or injunctive relief.

(LDC 2008, § 15A-25-03; Ord. No. 18-02, § 1, 2-16-2018)

Sec. 21-25-4. Water Efficient Landscaping.

(a) *Purpose.*

(1) The City Council has found that:

a. Water is an increasingly scarce resource.

- b. Nearly two-thirds of the City's culinary water resources are used for outdoor use, including watering landscapes.
 - c. The City desires to promote the design, installation, and maintenance of landscapes that are both attractive and water efficient.
- (2) Furthermore, the City Council has determined that it is in the public's interest to conserve public water resources and promote water efficient landscaping. The purpose of this section is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the City.

(b) *Definitions Applicable to Section.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Administrative standards* means the set of rules, procedures, and requirements set forth in a landscape ordinance associated with making permit application, assembling materials for public review, meeting the requirements of the landscape ordinance, seeking approvals, enforcement, conducting site inspections, and filing reports.
- (2) *Bubbler* means an irrigation head that delivers water to the root zone by flooding the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella, or short stream pattern.
- (3) *Drip emitter* means a drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.
- (4) *Evapotranspiration (ET)* means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month, or year. (See also *Reference evapotranspiration rate.*)
- (5) *Extra-drought tolerant plant* means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.
- (6) *Ground cover* means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than 12 inches.
- (7) *Hardscape* means patios, decks, and paths; does not include driveways, parking lots, and sidewalks.
- (8) *Irrigated landscaped area* means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.
- (9) *Irrigation audit* means an on-site survey of the irrigation system, conduct of a catch-can test to measure system efficiency, and the generation of an irrigation schedule and recommendations to improve irrigation efficiency.

- (10) *Irrigation contractor* means a person who has been certified by the Irrigation Association to install irrigation systems or as otherwise approved by the Public Utilities Department.
- (11) *Irrigation designer* means a person who has been certified by the Irrigation Association to prepare irrigation system designs, or a landscape architect, or as otherwise approved by the Public Utilities Department.
- (12) *Irrigation efficiency* means the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.
- (13) *Irrigation Plan* means the plan that shows the components of the irrigation system with water meter size, backflow prevention, rain shut-off device, precipitation rates, flow rate and operating pressure for each irrigation zone, and identification of all irrigation equipment.
- (14) *Landscape architect* means a person who holds a certificate to practice landscape architecture in the State of Utah.
- (15) *Landscape designer* means a person who has been certified by the Utah Nursery and Landscape Association to prepare landscape plans or as otherwise approved by the Public Utilities Department.
- (16) *Landscape Education Package* means a package of documents that is intended to inform and educate water users in the City about water efficient landscapes. The package includes the principles of water efficient landscape design, a listing of water conserving plants, a listing of certified landscape designers, landscape architects, certified irrigation designers, certified irrigation contractors, an information packet about various area demonstration projects, City's water rates, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
- (17) *Landscape Irrigation Auditor* means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit or as otherwise approved by the Public Utilities Department.
- (18) *Landscape Plan Documentation Package* means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this section. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a soils report, a landscape water allowance, and an irrigation schedule.
- (19) *Landscape water allowance* means, for design purposes, the upper limit of annual applied water for the established landscaped area. The landscape water allowance is based upon the local reference evapotranspiration rate, the ET adjustment factor, and the size of the landscaped area.
- (20) *Landscaped Zone* means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.), and soil conditions and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve or a set of valves with the same schedule.

- (21) *Landscaping* means any combination of living plants such as trees, shrubs, vines, ground covers, flowers, turf or ornamental grass; natural features such as rock, stone, or bark chips; and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.
- (22) *Mulch* means any material such as bark, wood chips, rocks/stones, or other similar materials left loose and applied to the soil.
- (23) *Non-drought tolerant plant* means a plant that will require regular irrigation for adequate appearance, growth, and disease resistance.
- (24) *Planting Plan* means a plan which clearly and accurately identifies and locates new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.
- (25) *Precipitation rate* means the rate at which water is applied per unit of time, usually measured in inches per hour.
- (26) *Rain shut-off device* means a device wired to an automatic controller that shuts off the irrigation system when it rains.
- (27) *Reconstructed landscaping* means any existing approved landscaping and irrigation that is removed and replaced as part of new construction.
- (28) *Reference evapotranspiration rate* or *ET* means a standard measurement of environmental parameters that affect the water use of plants. ET is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four- to five-inch tall, cool season grass that is well watered. The average growing season ET for the Sandy City area is 31.18 inches. (See also *Evapotranspiration*.)
- (29) *Runoff* means irrigation water that is not absorbed by the soil or landscape area to which it is applied and that flows onto other areas.
- (30) *Soils report* means a report by a soils laboratory indicating soil types, soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the top soil and subsoil for a given site. The soils report also includes recommendations for soil amendments.
- (31) *Spray sprinkler* means an irrigation head that sprays water through a nozzle.
- (32) *Stream sprinkler* means an irrigation head that projects water through a gear rotor in single or multiple streams.
- (33) *Turf* means a surface layer of earth containing mowed grass with its roots.
- (34) *Waste of water* includes, but is not limited to:
 - a. The use of water for any purpose, including landscape irrigation, that consumes or for which is applied substantial amounts of excess water beyond the reasonable amount required by the use, whether such excess water remains on the site, evaporates, percolates underground, goes into the sewer system, or is allowed to run into the gutter or street. Every water consumer is deemed to have under his control at all times the water lines and facilities, other than water utility facilities, through which water is being supplied and used to his premises, and to know the manner and extent of his water use and excess runoff.

- b. The excessive use, loss, or escape of water through breaks, leaks, or malfunctions in the water user's plumbing for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after the water user discovers such break, leak, or malfunction or receives notice from the City of such condition, whichever occurs first, is a reasonable time to correct such condition.
 - c. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire, health, or safety hazards.
- (35) *Water check*. See *Irrigation audit*.
- (36) *Water conserving plant* means a plant that can generally survive with available rainfall once established, although supplemental irrigation may be needed or desired during the growing season.
- (37) *Water use efficiency review* means an on-site survey and measurement of irrigation equipment and management efficiency and the generation of recommendations to improve efficiency.
- (38) *Xeriscape* means a landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation).
- (c) *Commercial, Industrial, and Multifamily Development*.
- (1) *Applicability*.
- a. The provisions of this Subsection (c) shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private commercial and industrial projects, developer-installed landscaping in multifamily residential projects, and developer-installed landscaping in single-family projects that require project review and approval by the City. Such review includes site plan review, modified conditional use permit review, and building permits issued for exterior modifications to commercial and multifamily buildings.
 - b. This Subsection (c) does not apply to homeowner-provided landscaping at single-family projects, nor to registered historical sites.
- (2) *Documentation to be Submitted for Plan Approval*. A Landscape Plan Documentation Package shall be submitted to and approved by the Public Utilities Department prior to the issuance of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect or a landscape designer. The Irrigation Plan shall be prepared by an irrigation designer or a landscape architect. The Landscape Plan Documentation Package shall consist of the following items:
- a. *Project Data Sheet*. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicants or applicant's agent's name, address, phone number, and fax number;

3. Landscape designer/landscape architect's name, address, phone number, and fax number; and
 4. Landscape contractor's name, address, phone number, and fax number.
- b. *Planting Plan.* A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 2. Property lines and street names;
 3. Existing and proposed buildings, walls, fences, light poles, utilities, paved areas, and other site improvements;
 4. Existing trees and plant materials to be removed or retained; and
 5. Designation of landscape zones.
- c. *Irrigation Plan.* A detailed Irrigation Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply; and
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers.
- d. *Grading Plan.* A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.
- e. *Soils Report.* A soils report will be required where irrigated landscaped areas consisting of grass or similar turf exceed 33 percent of the overall landscaped area. The soils report shall describe the depth, composition, and bulk density of the top soil and subsoil at the site and shall include recommendations for soil amendments. The Planting Plan shall incorporate the recommendations of the soils report into the planting specifications.
- f. *Landscape Water Allowance.* The annual landscape water allowance shall be calculated using the following equation:

$$\text{Landscape Water Allowance} = \text{ET} \times 1.0 \times 0.62 \times \text{A}$$

Where landscape water allowance is in gallons per growing season:

ET	=	Reference Evapotranspiration in inches per growing season
1.0	=	ET adjustment factor, 100% of turf grass ET (growing season adjustment factor)
0.62	=	Conversion factor

A	=	Total irrigated landscape area in square feet
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- g. *Irrigation Schedule.* A monthly irrigation schedule shall be prepared that covers the initial 90-day plant establishment period and the typical long-term use period. This schedule shall consist of a table with the following information for each valve:
 1. Plant type (e.g., turf, trees, low water use plants);
 2. Irrigation type (e.g., sprinklers, drip, bubblers);
 3. Flow rate in gallons per minute;
 4. Precipitation rate in inches per hour (sprinklers only);
 5. Run times in minutes per day;
 6. Number of water days per week; and
 7. Cycle time to avoid runoff.

(3) *Landscape Design Standards.*

- a. *Plant Selection.*
 1. Plants selected for landscape zones shall consist of plants that are well suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible in landscape zones.
 2. For projects located at the interface between urban areas and natural open space (non-irrigated), extra drought tolerant plants shall be selected that will blend with the native vegetation and are fire-resistant or fire-retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided.
 3. Areas with slopes greater than 30 percent shall be landscaped with deep rooting water conserving plants for erosion control and soil stabilization. Irrigation devices are limited to drip emitters, bubblers, or sprinklers with a maximum precipitation rate not to exceed 0.85 inches per hour.
 4. Parkstrips and other landscaped areas less than eight feet wide shall be landscaped with water conserving plants and/or grass.
- b. *Mulch.* After completion of all plantings, all irrigated non-turf areas shall be covered with a minimum layer of four inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- c. *Soil Preparation.* Soil preparation shall be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches and amending the soil with organic material as per specific recommendations of the landscape designer/landscape architect based on the soils report.

(4) *Irrigation Design Standards.*

- a. *General.* Irrigation design standards for this section shall be as outlined in the latest version of the Minimum Standards for Efficient Landscape Irrigation System Design and

Installation as specified in the Sandy City Standard Specifications and Details for Municipal Construction. In addition, the following portions of this Subsection (4) shall also be applicable.

- b. *Landscape Water Meter.* A water meter and backflow prevention assembly for landscaping that are in compliance with State Code shall be installed after the City meter and outside the City maintained meter box on the customer's service line. The size of the meter shall be determined based on irrigation demand.
- c. *Pressure Regulation.* A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure regulating valve shall be located between the landscape water meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for sprinklers.
- d. *Automatic Controller.* All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device.
- e. *Slopes Exceeding 30 Percent.* On slopes exceeding 30 percent, the irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle to eliminate runoff.
- f. *Valves.* Each valve shall irrigate a landscape zone with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves.
- g. *Drip Emitters/Bubbler.* Drip emitters or a bubbler shall be provided for each tree, where practicable. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the Public Utilities Department due to the limited number of trees on the project site.
- h. *Sprinklers.* Sprinklers shall have matched precipitation rates with each control valve circuit.
- i. *Check Valves; Pressure Compensating Valves and Sprinklers.* Check valves shall be required where elevation differences will cause low head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- j. *Drip Irrigation Lines.* Drip irrigation lines shall be placed underground or otherwise permanently covered, except for drip emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- k. *Operation Time for Irrigation Zones with Overhead Spray/Stream Sprinklers.* Irrigation zones with overhead spray or stream sprinklers shall be designed to operate between 6:00 p.m. and 10:00 a.m. to reduce water loss from wind and evaporation. Drip or bubbler zones are excluded.
- l. *Program Valves.* Program valves for multiple repeat cycles where necessary to reduce runoff, particularly slopes and soils with slow infiltration rates.

(5) *Plan Review, Construction Inspection, and Post-Construction Monitoring.*

- a. As part of the site plan approval and building permit process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Worksheet shall be completed by a landscape designer and submitted to the City.
- b. All Landscape Plan Documentation Packages submitted must be certified by a licensed landscape architect or an approved landscape designer. The Irrigation Plan must be prepared by an approved irrigation designer or a landscape architect.
- c. All landscape irrigation systems shall be installed by an irrigation contractor. The person representing the contracting firm shall be a full-time employee of the firm and shall be directly involved with the project, including at least weekly site visits during construction.
- d. All installers, designers, and auditors shall meet State and local license, insurance, and bonding requirements and be able to show proof of such upon demand.
- e. During construction, site inspection of the landscaping may be performed by the City.
- f. Following construction and prior to the release of the secondary bond guarantee posted for the project, an inspection shall be scheduled with the Public Utilities Department to verify compliance with the approved Landscape and Irrigation Plans. A Certificate of Substantial Completion, as defined in the Sandy City Standard Specifications and Details of Municipal Construction Manual, shall be completed by the property owner, contractor, or landscape designer/landscape architect and submitted to the City.
- g. Following construction and prior to release of the secondary bond guarantee posted for the project, a water use efficiency review will be conducted by a landscape irrigation auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this section. The minimum efficiency required for the irrigation system is 60 percent for distribution efficiency for all fixed spray systems and 70 percent distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and an irrigation schedule. Compliance with this provision is required before the City will release the bond for the project.

(d) *Residential (Single-Family) Development.*

- (1) The provisions of this Subsection (d) apply to landscaping for all new and reconstructed landscaping for single-family residential dwellings. This Subsection (d) does not apply to residential developments with developer installed landscapes, nor to registered historical sites.

- (2) Provisions for New or Reconstructed Landscapes.
- a. *Landscape Education Package.* A copy of the Landscape Education Package shall be given to all new single-family homeowners by the City at the time of application for a building permit and all new or modified water account owners. The Landscape Education Package, prepared by the Public Utilities Department, shall consist of the following items:
1. Principals of water efficient landscape design;
 2. List of water conserving plants;
 3. List of certified landscape designers, certified irrigation system designers and suppliers, and certified landscape irrigation contractors;
 4. Information packet about the various area demonstration gardens; and
 5. Information packet about the City's water rate schedule, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
- b. *Post Installation.* After the landscaping has been installed, the homeowner is encouraged to notify the Public Utilities Department of its completion and request a listing of landscape auditors who can perform a water use efficiency review, also called a water check. The water check will determine the irrigation system efficiency, make recommendations for improvements, and provide the homeowner with an irrigation schedule.
- (3) Parkstrips and other landscaped areas less than eight feet wide are encouraged to be landscaped with water conserving plants and/or grass.
- (e) *Prohibited Watering Practices.*
- (1) *Waste of Water.* Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.
 - (2) *Restricted Watering Time.* Watering time is restricted as specified in Title 8.
- (f) *Enforcement, Penalty for Violations.*
- (1) *Enforcement Authority.* The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this section.
 - (2) *Violation of this section.* Any consumer who violates any provisions of this section shall be issued a written notice of violation. The written notice shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a Class C misdemeanor citation.
- (LDC 2008, § 15A-25-04; Ord. No. 10-04, 2-19-2010; Ord. No. 09-17, 7-31-2010)

CHAPTER 21-26. SIGNAGE AND OUTDOOR ADVERTISING**Sec. 21-26-1. Purpose and Scope.**

(a) It is the intent and purpose of this chapter to outline regulations which are fair, comprehensive, and enforceable while allowing Sandy City to create and maintain safe and aesthetically pleasing building elevations and streetscapes. These regulations serve to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising for land uses. By adherence to these regulations the following objectives should be achieved:

- (1) Signs that are compatible with their surroundings and effectively index the environment while preserving the aesthetics and sense of order within the community.
- (2) Signs that are conducive to promoting traffic safety and add to the convenience and enjoyment of public travel by preventing visual distraction for motorists and protection of pedestrians.
- (3) Signs that preserve and enhance property values, increase the standard of living within the community and serve to attract visitors to the City by establishing first class businesses and commercial districts.
- (4) Signs that adhere to adopted fire, traffic, and safety standards in order to ensure the safety of residents and visitors to the City.

(b) The regulations of this chapter are intended to apply to both on-premises and off-premises signs, but do not apply to interior signs, nor hand-held placards and other similar devices used for public protest and the noncommercial exercise of free speech. Any noncommercial message may be substituted for any commercial message permitted under this chapter.

(LDC 2008, § 15A-26-01)

Sec. 21-26-2. Administration and Enforcement.

(a) *Interpretation.* The sign regulations contained herein are declared to be the maximum allowed for the purposes set forth. Any sign not expressly allowed by this chapter is prohibited.

(b) *Authorities.* The Director shall be vested with the duty of enforcing this chapter and in performance of such duty shall be empowered and directed to:

- (1) *Issue Permits.* Unless stipulated otherwise, a sign permit is required to erect, install, paint, or change the face of any sign, whether it be temporary or permanent in nature. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed, or modified. If no action is taken, the expiration date for such permits shall be 180 days in conjunction with building permits.
- (2) *Determine Conformance.* The Chief Building Official may make any necessary inspections of any sign for which a permit has been issued and for which an inspection has been deemed necessary. Such inspections shall be performed to ascertain that all signs, construction, and all reconstruction or modifications of existing signs are built or constructed in conformance with this title and as represented at application for a permit.

- (3) *Issue Notices of Violations, Citations, and Information.* The Director shall issue a written notice of violation to the person having charge, control, or benefit of any sign found to be hazardous, abandoned, non-maintained, or in violation of this title, particularly when the City is contemplating removal of said sign. Such official may also take criminal or civil action against violators.
- (4) *Abate and Remove Signs.* The Director may at once abate and remove signs or, in the alternative, use all available legal means to have a sign removed, including, but not limited to, criminal or civil action with the appropriate court.
- a. Abatement or removal may occur under the following circumstances:
 1. A hazardous sign is not repaired or made safe within five working days after receiving written notice of such condition from the City. The Chief Building Official may also require a sign to be removed or made safe within one working day after written notice from the City if such sign poses an immediate hazard.
 2. An abandoned, non-maintained, or sign identifying a discontinued use has not been repaired or put into use within 45 calendar days after receiving written notice from the City.
 3. A permanent sign has been installed without a permit or is otherwise illegal as defined by this title, does not obtain a permit, or made to conform within 30 calendar days after receiving written notice from the City.
 4. A temporary sign has been installed without a permit or is otherwise illegal as defined by this title and has not been made to conform either through removal of the temporary sign or by obtaining a temporary sign permit within 72 hours after receiving written notice from the City.
 5. A sign posted upon public property may be removed by the City at any time. Notwithstanding the foregoing, the sign, though removed, shall not be destroyed in a period less than 30 days from the date of removal. In no case shall the failure to remove said signs constitute approval by the City of the illegal placement of the sign.
 - b. Persons having charge, control, or benefit of the affected sign shall pay to Sandy City the full cost incurred by its abatement or removal. Payment shall be made within 30 calendar days of receiving written notice of such cost.
 - c. Guidelines for the abatement and removal of permanent signs shall be in accordance with the Uniform Code for Abatement of Dangerous Buildings. Abatement of billboards shall be in accordance with those standards outlined in the Utah State Code.
- (5) *Require Bonds.* The Director may require that a bond be posted by a sign company, contractor, or employee of such (hereafter referred to as "business"), under the following circumstances and guidelines:
- a. *Violation of Chapter.* If any business commits a violation of any part of this chapter or provision within this title concerning the installation, modification, or City required inspection of a sign, that business shall post a cash bond of \$1,000.00 with the City upon written notice of such violation. Sandy City will not issue any subsequent sign permits to said business until such bonds have been posted.

- b. *Forfeiture of Bond.* A cash bond which has been posted to the City shall be forfeited to the City if an additional violation by the business occurs. A new cash bond of \$2,000.00 shall be required from the business upon forfeiture of the previous bond. Each future violation by such business will result in bond forfeiture and require posting of a new cash bond at twice the previously posted amount. Sandy City will not issue any subsequent sign permits to said business until the required cash bond has been posted.
- c. *Duration of Bond.* A posted bond shall be held for a minimum one-year period. At the end of such period, if the bonded business has not had any additional violations of the City's sign regulations, the posted bond shall be released upon receiving an Affidavit of Compliance by the City. If a business has future violations after having a bond released, the initial \$1,000.00 amount shall be required and the provisions of Subsection (b)(5)b of this section shall apply.

(c) *Right to Appeal.* Any person who has been ordered to alter or remove any sign, or whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Board of Adjustment. For appeal procedures, please see the Sandy City Board of Adjustment guidelines contained in this title.

(LDC 2008, § 15A-26-02)

Sec. 21-26-3. Nonconforming Signs.

(a) *Regulation, Containment, and Elimination.* In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current Sign Ordinance standards, the City intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered (including face changes), or enlarged unless it is brought into complete compliance with this chapter. The following alterations are exempt from this provision:

- (1) Face changes in nonconforming multi-tenant signs; and
- (2) Copy changes in nonconforming permanent signs which were originally approved by the City with a changeable copy feature.

(b) *Abandonment.* Within 45 calendar days after vacation of an existing business, any on-site nonconforming signs must be removed or brought into compliance by the property owner. If removal does not occur, Sandy City may have the entire nonconforming sign (both face and structure) removed through the processes specified herein. An abandoned sign may not regain any legal nonconforming status later, even if the original or a new business occupies the property.

(c) *Billboards.* Any billboards shall be in conformance with State Code.

(LDC 2008, § 15A-26-03)

State law reference—Billboard termination, U.C.A. 1953, § 10-9a-513.

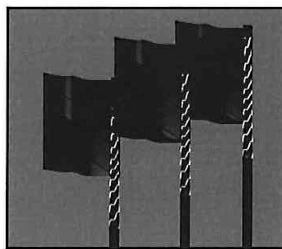
Sec. 21-26-4. Prohibited Sign Devices.

(a) *Prohibited Sign Devices.* Any sign not specifically allowed by this chapter is prohibited. The following devices used to attract pedestrian or vehicular attention are prohibited in Sandy City:

- (1) Signs on bus benches and on transit stop enclosures. Bus benches and transit stop enclosures which do not contain advertising are encouraged in order to provide shelter and a more enjoyable experience for those utilizing mass transit.

- (2) Flashing or animated signs. This shall also include architectural lighting features or elements. Signs or lighting which have subtle changes of light intensity are allowed. This does not include time/temperature or electronic message center signs complying with the standards herein.
- (3) Graffiti.
- (4) Off-premises signs. This includes billboards.
- (5) Roof signs, including flags of any type.
- (6) Sexually oriented signs. Any display, decoration, sign, or show window that provides the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (7) Statuary. Statuary bearing the likeness or suggestion of any product or logo.
- (8) Snipe signs.
- (9) Flagpole accents. This shall not include poles in nonresidential areas which have lighting attached to or directed towards a pole for purposes of illuminating a flag as defined herein and not serving to illuminate solely the pole itself. (See Figure 1.)

Figure 1. Prohibited Flagpole Accents



(b) *Handbills, Signs; Public Places and Objects.* The language in this section has been taken from Section 28.04 of the Los Angeles Municipal Code. This section was upheld by the United States Supreme Court in 1984 as complying with the First Amendment of the Constitution (*Members of the City Council of the City of Los Angeles et al. v. Taxpayers for Vincent, et al.*).

- (1) Except as otherwise stipulated, no person shall paint, mark or write on, post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, parkstrip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, public utility pole (e.g., light or power, telephone or telegraph, or light rail wire pole), or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life-saving equipment, street sign, traffic sign, or vehicles.
- (2) Any handbill or sign found posted upon any public property contrary to the provisions of this section may be removed without notice by any designated City employee. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof, and the City is authorized to effect the collection of said cost.

- (3) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating a historical, cultural, or artistic event, location, or personality for which the Public Works Department has granted a written permit.
- (4) Nothing in this section shall apply to the painting of house numbers upon curbs.
(LDC 2008, § 15A-26-04)

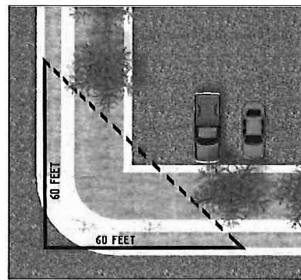
Sec. 21-26-5. General Guidelines for Signs in Sandy.

- (a) *Standards of Construction.*
 - (1) *Building Codes.* All signs erected in the City shall comply with the most recent Sandy City adopted provisions of the following: National Electrical Code, International Building Code, and the Sandy City Sign Ordinance.
 - (2) *Licensed Contractor Required.* No sign requiring a permit shall be erected, installed, or modified in Sandy City except by a licensed and bonded sign contractor. Electrical wiring or connections for such sign, fixture, or device must be installed or connected by a licensed and bonded electrical contractor.
 - (3) *Engineering Required.* Where required by the Chief Building Official, all sign permit applications shall be accompanied by a drawing stamped by an appropriate engineer, licensed by the State of Utah, attesting to the adequacy of the proposed construction of the sign and its supports and demonstrating conformance with the applicable provisions of the International Building Code. Standard engineering may be submitted to the Chief Building Official for approval and filed for use with multiple applications by authorized companies. Thereafter, permits may be obtained which utilize such engineering without refiling detailed structural plans. The Chief Building Official may require sign specific engineering regardless of standard details on file with the City.
 - (4) *Durability.* All permanent signs must be built of durable and permanent materials.
 - (5) *Power Source.* Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached and comply with all provisions of the National Electrical Code.
 - (6) *Foundations.* All ground signs must be mounted on foundations and footings which conform to the International Building Code.
- (b) *Sign Company Tag.* All permanent signs must have a sign builder's identification tag or signature. The tag or signature must be made of durable weatherproof material and must be affixed to the sign so as to be visible from the sidewalk or nearest convenient location by City inspectors.
- (c) *Location and Setback Requirements.* The following shall apply:
 - (1) *General Location.* No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

(2) *Traffic Safety.*

- a. *Visibility Triangle.* No sign more than three feet in height (above the top back of curb) shall be erected near any driveway or intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb (or a future curb) and a line connecting them at points 60 feet from the intersection of the lines (see Figure 2). Deviations from these requirements must be reviewed and approved by the City Transportation Engineer.

Figure 2



- b. *Copy Standards.* No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal, or which bears words normally used in such signs (e.g., stop, go slow, caution, danger, warning, etc.). No sign or advertising structure shall be erected which, by reason of its size, location, shape, content, coloring, or manner of illumination, might be confused as a traffic control device. No sign shall have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance. Signs shall not extend over any pedestrian or vehicular access area unless specifically approved by the City Transportation Engineer.
- (3) *Public Rights-of-Way.* No sign shall be located on publicly-owned land or inside street rights-of-way except signs owned and erected by permission of an authorized public agency or specifically authorized herein.
 - (4) *Vertical Setback.* In addition to the height restrictions contained herein, no sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah, its agencies, or appropriate utility company.
 - (5) *Side Setbacks.* Pylon and monument signs shall be located at least their height in distance from side property lines in order to prevent damage to adjacent land in case a sign is toppled by accident or an act of nature.
 - (6) *Front Setbacks.* The following shall apply:
 - a. Pylon and monument signs shall be set back at least three feet from all driveways and the back of sidewalk or public right-of-way, whichever is greater.

- b. Banners or other temporary signs allowed herein shall be set back at least seven feet from the public right-of-way.

- (7) *Additional Setbacks.* All permanent signs must be located at least two feet from a required parking stall or parking area.

(d) *Landscaping.* All permanent pylon or monument signs must be incorporated into a landscape design or planter box. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. Removal of required landscaping to facilitate sign placement must be in compliance with commercial landscape standards in this title.

(e) *Lighting.*

- (1) Signs shall be carefully oriented so that light emitted from a sign or group of signs is not a traffic hazard, obtrusive, or a nuisance to adjacent properties, particularly residential.
- (2) Signs with exterior illumination must have luminary devices shielded and screened from public view and directed to avoid light spill from the affected signs.
- (3) Persons installing or manufacturing a sign which has an LED or electronic message center must demonstrate that the brightness of such sign will not exceed one footcandle along the property line as measured six feet above curb grade. Such signs must also be equipped with a dimmer switch in order to change the intensity of light emitted from the sign to meet the one footcandle brightness if needed after installation.

(f) *Maintenance.* All signs shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building.

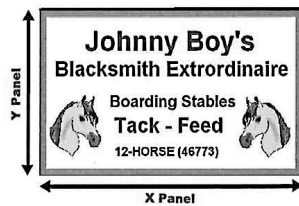
(g) *Measurement of Regulated Sign Area.* For the purpose of this chapter, a complete phrase, copy and/or image, and the proposed layout of such shall be considered a sign (e.g., One Hour Photo).

- (1) *Single Panel/Panel Signs.* Regulated area shall be according to the following standards:
 - a. For sign copy that is mounted as individual letters and/or graphics against a wall, window, or fascia of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest 8-sided polygon that will enclose all sign area (see Figure 3).

Figure 3



- b. Sign copy mounted or painted on a background panel or area distinctly textured or constructed as a background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface (see Figure 4). Any illuminated bands or illuminated structures which contain sign copy, corporate logos, etc., are by definition wall signs in their entirety. However, illuminated bands on canopies covering gasoline pump islands shall be regulated per this chapter.



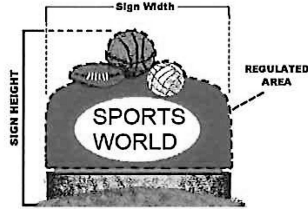
- c. Sign copy as an illuminated architectural element of a building shall be calculated as that portion of the illuminated surface or illuminated element which contains sign copy (see Figure 5).

Figure 5



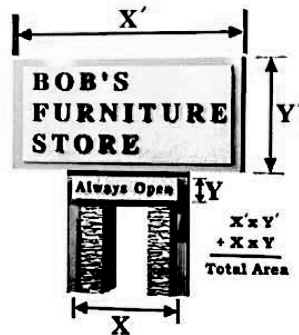
- d. The regulated area of a monument sign shall include all parts of the sign or structure that contain identification (words or symbols) and information (see Figure 6).

Figure 6



- e. The regulated area of a pylon sign shall include all parts of the sign or structure that contain identification (words or symbols) and information (see Figure 7).

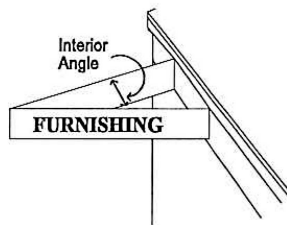
Figure 7



(2) *Multiple Face Signs (Including, But Not Limited to, Pylon or Monument Signs).*

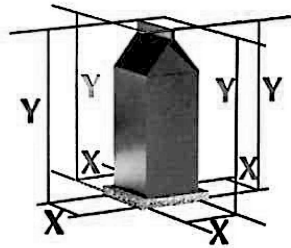
- a. *Double Panel.* If the interior angle between two faces is 45 degrees or less, the sign area to be measured is a single face. If the angle is greater than 45 degrees, the sign area to be measured will be the area sum of the areas of the two faces (see Figure 8).

Figure 8



- b. *Three or More Faces.* The sign area shall be the sum of the areas of the three or more faces.
- (3) *Non-Planer Signs.* For spherical, free-form, or other non-planer signs, the sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure (see Figure 9).

Figure 9



(LDC 2008, § 15A-26-05)

Sec. 21-26-6. Standards for Permanent Signs Allowed Without a Permit.

(a) *Building Identification.* Numbers which are used to denote the address of a building shall not be counted against the allowable square footage for the same building, but must comply with the standards for building identification as found in Chapter 21-29.

(b) *Home Occupations.* A legally licensed business in a residence may have a single, one square foot in area, non-illuminated, flat wall sign mounted to the residence.

(c) *Institutional Uses.* Churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses, etc., are allowed a single monument sign of 32 square feet per street frontage. Wall signs shall be regulated as set forth in this chapter.

(d) *Memorial Signs.* Memorial signs include signs or tablets with the names of buildings and date of erection cut into any masonry surface or inlaid so as to be part of the building.

(e) *Neighborhood Identification Signs.* In any zone district, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for a neighborhood or planned unit development project identification provided that such signs comply with the monument sign standards herein.

(f) *Notice Bulletin Boards.* Notice bulletin boards for institutional buildings may not exceed 32 square feet in area. Such signs must be oriented solely to the interior of the property and not be used to direct exterior vehicular attention to the institution or its services.

(g) *Plaques.* Plaques, name plates, and commemorative plaques of recognized historical agencies, not exceeding two square feet, may be fastened directly to a building.

(h) *Wayfinding Signs.* As set forth by the Sandy City Construction Standards.

(i) *Symbols or Insignia.* Religious symbols, identification emblems of religious orders, or historical agencies are permitted provided that such signs conform to the relevant wall or monument sign standards herein.

(LDC 2008, § 15A-26-06)

Sec. 21-26-7. Standards for Permanent Signs that Require a Permit.

(a) *Signs on Awnings and Canopies.* Signs on awnings and canopies must meet the following standards:

- (1) *Materials.* Awning and canopy coverings shall be made of Sunbrella or other similar material. Materials with a glossy finish are not permitted.
- (2) *Awnings.* Awnings on nonresidential buildings are required to be approved by the Planning Department and community development department. (For appropriate awning placement and dimension standards, see the Sandy City Architectural Design Standards.)
- (3) *Signs on Awnings.* Signs on awnings shall be limited to street level businesses only (see Figure 10). Signage on an awning shall be limited to 40 percent of the awning. Total copy area on awnings shall not exceed 15 percent of the primary business wall area. Translucent letters or accents sewn into awnings are permitted.

Figure 10



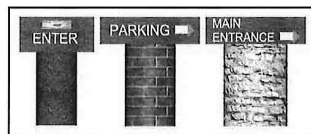
- (4) *Canopies.* No sign shall be constructed or placed on top of the roof of any canopy. Translucent letters or accents sewn into opaque canvas or acrylic coverings are permitted up to 40 percent of a canopy face (see Figure 11). (For appropriate canopy placement and dimension standards see the Sandy City Architectural Design Standards.)

Figure 11



- (5) *Illumination of Awnings or Canopies.* Illumination of awnings or canopies with signage shall be external. Backlit awnings may be used in conjunction with other site lighting for lighting walkways, entrances, and providing a safe environment.
- (6) *Signs on Awnings or Canopies in Combination with Wall Signs.* Combinations of signs on awnings or canopies with wall signs are permitted. If a combination of awning and wall signage will be used, the signage on the awning shall be limited to 25 percent of the awning. Total allowable copy area between the awnings and wall signage shall not exceed 15 percent of the business' primary elevation.
- (b) *Directional or Instructional Signs.* Signs which provide direction or instruction and are located entirely on-premises are permitted. Directional signs shall not exceed four square feet in area or four feet in height (see Figure 12). The number allowed shall be determined by the Director during site plan review and shall be the minimum required for safe circulation of traffic onto and within a development.

Figure 12



- (c) *Pylon Signs (On-Premises) (See Figure 13).* The standards for the use of pylon signs are as follows:
- (1) *Developments, Planned Centers, or Parcels Less than Seven Acres.* No pylon signs are allowed, only monument signs.
 - (2) *Developments, Planned Centers, or Parcels More Than Seven Acres.* The Director may approve one pylon sign per street frontage. No pylon sign shall be allowed for any planned center or parcel that has less than 300 feet of street frontage.
 - (3) *Properties Along Interstate 15 (I-15).* The following parcels or developments may apply for a pylon sign:
 - a. Parcels adjacent to and fronting I-15 or the I-15 frontage road where it runs adjacent to I-15.

- b. Properties north of 9000 South on the west side of the freeway and within 100 feet of the I-15 right-of-way.

Figure 13



- (4) *Area Standards.* A sign area may not exceed the size set forth in this chapter and must be part of an approved sign theme. Reader boards, changeable copy areas, and electronic message centers shall not exceed 50 percent of the total sign copy area of the sign.
- (5) *Height Standards.*
 - a. The height of a pylon sign shall be the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. Signs may not exceed 25 feet above grade. Properties along I-15 or the frontage road may have a height not greater than 25 feet above the nearest traveled freeway lane or frontage road, whichever is greater.
 - b. The Director may grant a special exception for additional height to businesses that are adjacent to a freeway overpass or similar view-obscuring structure (excluding vegetation) based on the following criteria and submittals:
 - 1. A topographic map with one-foot interval contours is provided to illustrate existing conditions at the site.
 - 2. Visual simulations or scaled profile drawings are provided which illustrate the required and requested sign heights in relation to the view-obscuring structure.
 - 3. The additional height is the minimum necessary to provide reasonable visibility above the view-obscuring structure.
- (6) *Location Standards.* Signs must be located within the 30-foot setback area from the property line. Signs within the visibility triangle may be allowed with the permission of the City Transportation Engineer.
- (7) *Support Standards.* All such signs must have the structural supports covered or concealed with pole covers (pylon covers). The covers must utilize materials and be architecturally compatible to the building or development to which it is associated (see Figure 13).
- (d) *Gas Island Canopies.* Signage on canopies over gas islands are regulated as follows:
 - (1) Sign copy, corporate logos, etc., may be a maximum of 15 percent of the vertical canopy face per elevation.

- (2) Individual letters, logos, or symbols may not project above or below the canopy face or project out from the surface of the canopy more than ten inches.

(e) *Marquees.* Marquees may not extend more than six feet from the building face and maintain a minimum eight-foot clearance above grade. The sign should blend with the aesthetics of the building and surrounding natural and manmade environment. The color, style, size, scale, and proportion of the sign should enhance the exterior of the building and not place too much bulk, nor be an excessive external distraction on the building's exterior (see Figure 14).

Figure 14



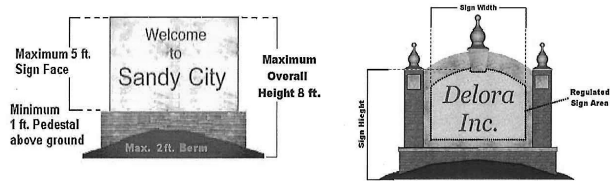
(f) *Menu Boards.* Menu board locations for drive-in and drive-up window restaurants are to be reviewed and approved by the Community Development Department at site plan review. They shall be located behind the front landscaped setback area. One sign is allowed with a maximum area of 35 square feet, and an additional sign with a maximum area of nine square feet is allowed per lot. Neither sign shall exceed eight feet in height. The changing of copy within these signs does not require a permit.

(g) *Monument Signs.* The following standards shall apply:

- (1) *Allowance.* Monument signs are allowed for any parcel provided that the parcel has 50 feet of street frontage.
- (2) *Planned Commercial Centers, Pad Buildings, and Buildings Not Associated with a Planned Commercial Center.* Planned commercial centers, pad buildings, and buildings not associated with a planned commercial center are allowed a monument sign on each associated street frontage. However, the signs must be separated by at least 100 feet as measured diagonally across the property from center to center of both signs and shall be no closer than 100 feet to any other sign (monument or pylon/pole) located on the same frontage. Signs within the visibility triangle may be allowed with the permission of the City Transportation Engineer.
 - a. *Planned Commercial Centers.*
 1. Monument signs may have a logo/identification theme as part of the sign.
 2. The area of the sign is determined by the length of the frontage of any freestanding buildings and contiguous parcels included within the planned commercial center.
 - b. *Pad Building Within a Planned Commercial Center.* The freestanding building lot must be contiguous to a major arterial street and have at least 100 feet of street frontage to have a monument sign.

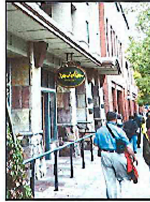
- c. *Building Not Associated With a Planned Commercial Center.* A building not associated with a planned commercial center is allowed one monument sign provided that the parcel has at least 50 feet of street frontage and can locate the sign per the above standards.
- (3) *Area Standards.* The sign area allowed for a monument sign is determined as shown in Section 21-26-12(a), Attachment A. Reader boards (changeable copy areas) and electronic message centers may be allowed; however, such devices shall not exceed 50 percent of the total sign face.
- (4) *Height Standards.* The height of a monument sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk.
 - a. *Sign Face.* The cabinet or face of a monument sign may not exceed five feet in vertical size.
 - b. *Overall Height.* Maximum height for a monument sign is six feet. Signs placed within bermed areas may have an additional inch of overall height for each vertical inch of berm directly under the sign. In such cases the entire frontage must have existing or equal berming treatment, and the sign shall not exceed an overall height of eight feet (see Figure 15). Site centric architectural features or enhancements to the sign supports are excluded (see Figure 16).

Figures 15 and 16



- (5) *Pedestal Standards.* All monument signs must have at least a one-foot opaque pedestal designed as part of the foundation which conceals any pole support. Height of the pedestal is measured from the highest grade below the sign. The pedestal should run at least 50 percent of the horizontal length of the sign and extend from the sign into the ground below the sign. There shall be no copy or sign element on the pedestal, except addresses. The pedestal shall utilize materials and design elements that relate the sign to the associated buildings. The Director may review and approve/deny any variation to the pedestal base requirements based on-site characteristics, topography, or design integrity.
- (h) *Suspended Signs.* Suspended signs used in place of wall signs are allowed if the architecture of the building or planned center lends itself to that design (see Figure 17). The following shall apply:

Figure 17



- (1) The Director must review any proposal for a suspended sign for compatibility with the building.
- (2) No sign may project beyond the outside limit of the arcade, marquee, canopy or facade to which they are attached.
- (3) Any sign must have at least an eight-foot clearance above the sidewalk.
- (4) There must be a minimum horizontal distance of 30 feet between signs suspended perpendicular to a building face.
- (5) Signs suspended parallel to a building face may not exceed 15 percent of the first floor elevation of the business.
 - (i) *Projecting Signs.* Projecting signs shall only be allowed within the Historic Sandy Business District, mixed use projects, or other developments which have an approved sign theme. The following shall apply:
 - (1) Projecting signs are allowed by themselves or in conjunction with signs on awnings. They will not be allowed in conjunction with other wall signs.
 - (2) The sign should blend with the aesthetics of the building and the surrounding natural and manmade environment. The color, style, size, scale, and proportion of the sign should enhance the exterior of the building and not place too much bulk, nor be an excessive external distraction on the building's exterior. Equal treatment and design consideration should be given to any mounting and supporting structure for the sign (see Figure 18).

Figure 18



- (3) No sign shall be larger than 16 square feet.

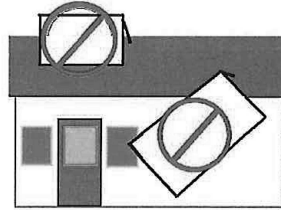
- (4) Projecting signs shall not extend more than six feet, nor have less than a six-inch spacing from the attached vertical wall. They shall have a minimum clearance of nine feet from the sidewalk or finished grade and shall be no more than 12 inches thick (see Figure 19). There must be a horizontal separation of 20 feet from other projecting signs.

Figure 19



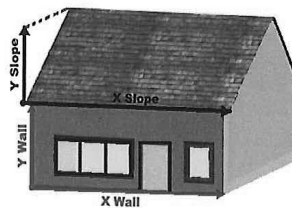
- (5) Electronic message centers or changeable copy signs are not allowed.
- (6) Only the street level tenants in a multi-story building may use projecting signs.
- (j) *Wall Signs.* The following criteria shall be met:
 - (1) *Location Standards.* Wall signs must meet the following location standards:
 - a. They must be located on a wall under complete control by the tenant applying for the signage or as otherwise permitted by the Director as stated below.
 - b. Upon review and approval by the Director, a business may request the placement of a business identification sign upon an area within the same development not otherwise controlled by the named business. The following criteria shall be considered:
 - 1. The proposed sign is in close proximity to the identified business.
 - 2. The proposed sign square footage is counted against the allowable square footage for the area upon which it is mounted.
 - c. They shall not cover architectural features or elements on buildings.
 - d. No part of the sign or the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted (see Figure 20).

Figure 20



- e. Businesses which back directly onto residential areas may be allowed non-illuminated signs on the rear of the building.
- (2) *Design Standards.* Wall signs must meet the following location standards:
- a. Signs shall blend with the surrounding natural and manmade environment (e.g., the color, style, size, scale, proportion) to enhance the exterior of the building and not place too much bulk and external distractions on it.
 - b. Wall signs with changeable copy, reader board, or electronic message capability are not allowed.
 - c. Wall signs shall not project more than 18 inches from the wall to which they are attached.
- (3) *Area Standards, Single Tenant Buildings.* The area of signage allowed on a wall shall be based on the dimensions of the exterior wall (see Figure 21) under complete control by the tenant applying for a permit and under the following guidelines:
- a. Signage which utilizes shaped or layered cabinet signs or with three-dimensional faces and/or individual letters may not occupy more than 15 percent or 600 square feet, whichever is less, of any one wall.

Figure 21



- b. For multiple walls, signage which utilizes shaped or layered cabinet signs with three-dimensional faces and/or individual letters may occupy the combined area of the walls as follows:
 - 1. For two walls, up to 20 percent.

2. For three walls, up to 25 percent.
 3. For four walls, up to 30 percent.
 - c. Signage which utilizes flat, non-dimensional cabinet signs with 90 degree corners may not occupy more than five percent or 40 square feet, whichever is less, of any wall.
- (4) *Area Standards, Multi-Tenant Buildings.*
- a. Ground floor tenants which have direct access from grade into their tenant space may utilize the standards specified for single tenant buildings above. Such tenants whose entrance is located under a canopy or like feature must locate their signs under such feature unless the Planning Commission has approved a sign theme stipulating otherwise.
 - b. Tenants who access their space through a common entrances or tenants above ground level are not allowed to have individualized wall signs on the exterior of the building. They must be located on a directory sign located next to or within the common entrance of the building. If located on an exterior wall, such directory signs may not exceed 12 square feet and copy shall not exceed one inch in height.
 - c. In addition to ground floor tenant signs allowed above, buildings with more than two stories are required to have a building identification sign. This may be the name of the major tenant in the building. All wall signs must comply with the Planning Commission approved sign theme for the building.
- (5) *Multiple Signs for a Single Tenant on an Elevation.*
- a. The maximum number of wall signs on a wall controlled by a single user shall be seven and shall be appropriate to the scale of the building.
 - b. Multiple wall signs may utilize individual letters and/or shaped or layered cabinet signs with three-dimensional faces in any combination not to exceed 15 percent of any one wall. (See Figure 22.)

Figure 22



- (6) *Painted Signs/Murals.* Painted signs or murals applied directly to any building face must have specific approval of the Director. If the building is in Historic Sandy, the sign must have approval of the Planning Commission.
- (7) *Signs on Sloping or Mansard Roofs.*
 - a. Signs shall not be mounted on a sloping or roof portion of any building.

- b. Signs may be mounted within a roof area if mounted upon a vertical surface such as a gable, dormer or similar structure.
 1. Such signs will only be allowed to avoid architectural conflicts on the face of the building. They shall not be approved solely for better signage visibility.
 2. Such vertical structure must be finished in a manner that closely matches the architectural design, materials and colors of the building and must be permanently integrated and attached to the roof.
 3. Signs mounted upon a vertical structure integrated into the sloping roof of a building must meet the size requirements as set forth in this chapter. Such signs may not protrude beyond the vertical face of the structure or cover any architectural ornamentation.
 4. If a roof structure is to be constructed for purposes of mounting a sign, the applicant must apply for, and receive, the proper building and zoning clearances and permits before a sign permit will be issued.

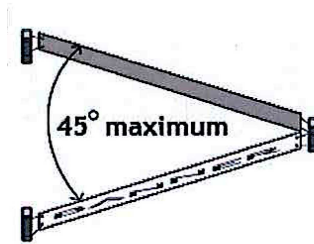
(LDC 2008, § 15A-26-07; Ord. No. 14-34, 11-13-2014; Ord. No. 15-06, 3-23-2015)

Sec. 21-26-8. Temporary Signs.

(a) *General Provisions for All Temporary Signs.* The following shall apply to all temporary signage as outlined herein:

- (1) Signs shall be removed as specified herein, unless otherwise indicated in this chapter. There are no specific timeframes for noncommercial opinion signs.
- (2) Signs may only be located on private property and must have the property owner's permission. Signs may not be placed on public property, or in a public right-of-way unless otherwise allowed herein, such as banners on public light poles and public necessity signs.
- (3) Signs shall not be erected in a manner as to constitute a roof sign.
- (4) Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.
- (5) Signs shall not be attached to utility poles, fences, or trees.
- (6) Signs must be secured to a building or the ground.
- (7) Signs may be attached to existing permanent signs only for the grand opening period.
- (8) Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.
- (9) No off-premises temporary signs are allowed except those specifically allowed herein.
- (10) Signs shall require application and approval from the Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign, unless exempted in this section.
- (11) All temporary signage must be subordinate to and be positioned in such a way so that any permanent ground-mounted signage on the same property remains visible.

- (12) All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean, like-new condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.
- (13) Any sign not expressly allowed by this ordinance is prohibited.



- (14) Signs may be two-faced but may not be split faced if the interior angle is greater than 45 degrees.

(b) *Temporary Signs Allowed Without a Permit in All Zones.*

(1) *Signs Allowed Within the Public Right-of-Way.*

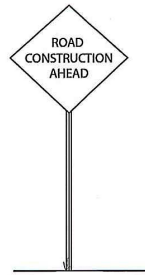
- a. *Banners on Public Light Poles.* The City may erect community event banners on public light poles within the right-of-way under the following guidelines (see Figure 23). Signs shall:
 - 1. Be constructed and maintained with durable, weather-resistant materials in a graffiti-free and clean, like-new condition. Allowed banners must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.

Figure 23



- 2. Be uniform in size and be no larger than three feet wide and eight feet tall. A maximum of 48 square feet of banner signage shall be allowed per light pole.
- 3. Maintain clearance height of at least 14 feet above the right-of-way.
- 4. Be limited to a maximum of two banner signs, one on each side of the pole.
- 5. Be placed on the light pole by permanent support brackets (top and bottom) meant for the placement of a sign so that such signs shall hang taut.

Public Necessity Sign



- b. *Public Necessity Signs.* Such signs may be of the type, number, area, height, location, or illumination authorized by the applicable law, statute, or ordinance.
- (2) *Community Signs.* Community Signs require review by the Community Development Department and/or other pertinent City departments for compliance with the following criteria:
 - a. May not be attached to another temporary or business sign, traffic device, or a permanent public necessity sign.
 - b. May not exceed 32 square feet.
 - c. Signs attached to a building may be larger, but must be appropriate in scale and location and not pose a public safety risk as approved by the Director.
 - d. Such signs for any single purpose or event may not be displayed for more than 30 days. However, the Director may approve community signs for long-term purposes subject to review on a 90-day basis.
 - (3) *Holiday Decorations.* Holiday decorations are noncommercial displays primarily decorative in nature which are clearly incidental, customary, and commonly associated with any national, local, or religious holidays. Such displays may include any type, number, and area and shall be contained entirely within the boundaries of the lot or premises on which they are erected. They must be placed so as to avoid confusion with authorized traffic lights and signals and shall conform to traffic safety standards. Within nonresidential zoning districts they shall not be displayed for more than 45 days prior to and not more than 14 days after the holiday.
 - (4) *No Trespassing or No Dumping Signs.* One sign not exceeding 16 square feet, or four signs not exceeding four square feet each, may be installed to prevent trespassing or unauthorized dumping on property. The Director may allow more signs, based upon the size and location of property in order to adequately notify the public.
 - (5) *Noncommercial Opinion Signs.* Noncommercial opinion signs are subject to all requirements and provisions of the Utah Code Annotated and other laws as may be applicable. Such signs are regulated as follows:
 - a. *Residential Zones.* Individual signs may not exceed 32 square feet. The maximum height of such signs shall be six feet.

- b. *Nonresidential Zones.* Individual signs may not exceed 32 square feet. The maximum height of such signs shall be eight feet.
- (6) *Construction Vehicle and Trailer Signage.* Signs on licensed commercial vehicles, including construction trailers that are kept on-site and used for daily business operations for an approved project under development.
- (c) *Temporary Signs Allowed Without a Permit; Residential Districts (Including Residential Developments Within Nonresidential Zones Such as MU, BC, IC, SD(EH) and SD(X)).*

(1) *Properties Subject to Development or Construction.* Properties which have been approved for a residential development are subject to the following guidelines:

- a. Properties subject to development or construction shall be allowed one or more on-site signs, per street frontage, as shown in the table below.
- b. The size allowed for the signs depend on the number of lots to be developed as shown in the following table:

<i>Number of Units/Lots</i>	<i>2—4</i>	<i>5—24</i>	<i>25—49</i>	<i>50 or more</i>
Maximum size of signs (square feet)	32	64	96	128
Maximum height (ft.)	12	12	12	12
Split option (total number of signs). Multiple signs shall be separated by at least 100 feet.	1 (not to exceed 32 square feet)	2 (not to exceed 64 square feet)	3 (not to exceed 96 square feet)	4 (not to exceed 128 square feet)

- c. Three directional signs may be allowed for a developer to guide traffic to a site. They are limited to 32 square feet in area and eight feet in height and must be placed entirely upon private property. These signs must have written permission of the property owner and be presented to the Director for approval before they are erected. The duration of display shall be the same as on-premises development promotional signs.
- d. Such signs shall be removed within one year after issuance of the final building permit for the residential development.

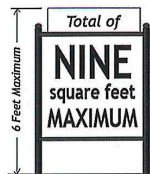
(2) *Residential Properties Subject to Sale, Lease, Rent, or Auction.* Except as otherwise allowed herein under grand opening provisions, properties legally subject to sale, lease, rent, or auction shall be allowed one on-site sign, per frontage, of one of the following types without necessity of an application for or issuance of a sign permit:

"T" Post Sign



- a. One "T"-shaped post sign subject to the following requirements:
 - 1. Such sign shall be a maximum of nine square feet hanging from a "T" shaped mounting post;
 - 2. The maximum height of such signs shall be six feet;
 - 3. Such a sign and post shall be set back from the property line not less than three feet and cannot obstruct the right-of-way;
 - 4. Such sign shall be allowed, without necessity of a permit, for the duration of the property's sale, lease, rent, or auction.

Yard Sign



- b. One yard sign subject to the following requirements:
 - 1. The maximum area of such signs shall be nine square feet;
 - 2. The maximum height of such signs shall be six feet;
 - 3. Such sign shall be set back from the property line not less than three feet and cannot obstruct the right-of-way;
 - 4. Such sign shall be allowed, without necessity of a permit, for the duration of the property's sale, lease, rent, or auction.

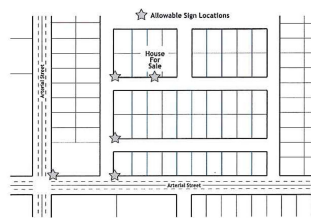
Window Sign



- c. One window sign, per street frontage, subject to the following requirements:
 - 1. The maximum area of such signs shall be nine square feet;

2. Such sign shall be allowed, without the necessity of a permit, for the duration of the property's sale, lease, rent, or auction.
3. Properties Subject to Sale, Lease, Rent, or Auction. Properties subject to sale, lease, rent, or auction shall be allowed off-site signs as follows:
 - (i) Such signs may be used to direct traffic to a property for sale, lease, rent, or auction.
 - (ii) Such signs shall be used only when a representative is on duty at the residence for sale, lease, rent, or auction or the property owner is present at the property for inspection.
 - (iii) The placement of such signs shall require permission of the property owner of properties on which the signs are to be placed.
 - (iv) The maximum area of such signs shall be six square feet each.
 - (v) The maximum height of such signs shall be three feet.
 - (vi) One direction sign is allowed that applies to the provisions herein to be located on each corner of intersecting streets starting from the closest arterial street leading directly to the property (see Figure 24).

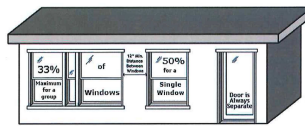
Figure 24



- (vii) Such signs shall be located outside the sight visibility triangle at any street or driveway intersection, as determined by the Sandy City Transportation Engineer.
- (3) *Vehicle Signs.* Any sign that is attached to or placed on a vehicle or trailer that is parked on private property or driven upon public streets where:
 - a. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and is actively used for the daily operations of the business to which such signs relate.
 - b. The vehicle or trailer does not violate the provisions related to parking of a commercial vehicle in residential zones.
- (d) *Temporary Signs Allowed Without a Permit; Nonresidential Zones.*
 - (1) *Changing Copy.* The changing of copy on a marquee, reader board, electronic message center, or other replaceable copy area is allowed when such is part of a permitted sign. Sign face changes are not included in this category and as such require a permit, except for those individual tenant faces within a multi-tenant or shared monument or pylon sign.

- (2) *Gas Island Signs.* A sign (four square feet or less) may be located at each gas pump and must be located directly on top of a gas dispenser. Such signs shall not project beyond the pump structure.
- (3) *Window Signs.* Window signs are allowed for ground floor tenants only, except as otherwise allowed herein. They shall not be located as to block clear view of exits or entrances or to create a safety hazard. Any window sign shall not disrupt the visibility from employee stations to the parking area or of law enforcement personnel into the business. The following shall also apply:
 - a. They shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by 12 inches or more. Any door with windows is always considered a separate window (see Figure 25).

Figure 25



- b. Window signs and permanent wall signs combined shall not exceed 20 percent of the exterior wall area of the tenant.
 - c. Properties subject to sale, lease, rent or auction in structures that are three stories or larger, may be allowed to have window signs up to 100 square feet. The square footage is allowed per street frontage; however, the signs are not required to be on the side facing the street.
- (4) *Road Construction Periods.* Businesses with frontage immediately adjacent to a road right-of-way construction zone may have one banner, per street frontage, not to exceed 32 square feet nor five feet in height during periods of construction occurring within the road right-of-way. The signs shall be located on-site and may be in landscape areas abutting the right-of-way or on the building. Signs must be removed after completion of construction activities.
- (5) *Temporary Businesses.* Temporary businesses are allowed only two temporary signs under the following conditions:
 - a. The two signs may only be banners and/or portable signs.
 - b. Each banner may not exceed 32 square feet and portable signs must comply with the size and area requirements for portable signs allowed without a permit and shall not be allowed in the public right-of-way.
- (6) *Properties Subject to Development or Construction.* Properties which have a site plan approved for development are subject to the following guidelines:
 - a. Properties subject to development or construction shall be allowed one or more on-site signs, per street frontage, as shown in the table below.

- b. The size of the signs depend on the number of acres involved in the project as shown in the following table:

<i>Acreage of Development</i>	<i>0—4.9</i>	<i>5—9.9</i>	<i>10 or more</i>
Maximum size of signs (square feet)	64	128	256
Maximum height (ft)	15	15	15
Split option (total number of signs). Multiple signs shall be separated by at least 100 feet.	1 (not to exceed 64 square feet)	2 (not to exceed 128 square feet)	3 (not to exceed 256 square feet)

- c. Such sign shall be removed before permanent signs are installed.

(7) *Properties Subject to Sale, Lease, Rent, or Auction.* Properties subject to sale, lease, rent, or auction shall be allowed temporary signs as follows:

- a. Window signs according to the provisions of this section; or
- b. One freestanding sign for which the maximum area of such signs shall be 64 square feet and the maximum height of such sign shall be 12 feet.

(8) *Portable Signs.* One portable sign is allowed per business under the following guidelines:

- a. The sign is entirely outside of the public rights-of-way, roadways, on-site drive isles, landscape areas, or designated parking areas. The sign shall be located on the pedestrian areas abutting the business and within the extent of the business face (see Figures 26 a and b).

Figure 26a

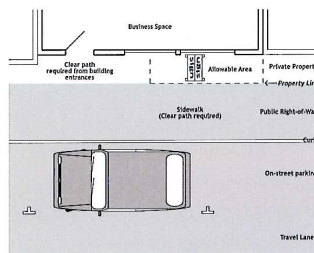
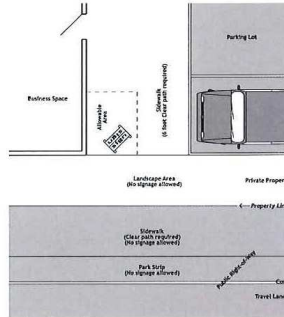


Figure 26b



- b. A six-foot-wide clear path area on the existing hard surface shall be maintained, and such sign shall not obstruct any pedestrian or wheelchair access, including, but not limited to, access from the sidewalk to any of the following:
 - 1. Transit stop areas.
 - 2. Designated disabled parking spaces.
 - 3. Disabled access ramps.
 - 4. Building exits including fire escapes.
- c. The sign shall not exceed 48 inches in height, nor be more than 24 inches wide (see Figure 27).

Figure 27



- d. Such signs shall not rest upon or be attached to any other signage, utility pole or device, or any sign identified as a public necessity sign.
- e. Such signs shall be located:
 - 1. On the property containing the business which the sign represents; or
 - 2. In the case of multi-tenant property, within 100 feet of the business which the sign represents.

- (9) *Free Promotional Periods.* A business may advertise a special service, product, or sale during the following periods without a permit, under the following provisions:
- a. Only one banner or up to two blade banners, per property, may be used on-site in nonresidential zones. Groups of blade banners shall be separated by another group of blade banners by at least 100 feet. Such signs shall not exceed 32 square feet.
 - b. Signs must be securely attached to a structure or to ground posts. Banners mounted to the ground may be not higher than 48 inches from the ground to the top of the sign and must have a stabilizing crossbar between the ground posts at the top of the sign.
 - c. Blade banners shall not exceed an overall height of 17 feet. The blade banners must be ground-mounted using a post or supported in a stand.
 - d. Signs shall be set back from the property lines a minimum of three feet and cannot obstruct the right-of-way.
 - e. Signs shall not be placed where they obstruct the view of any sign identified as a public necessity sign.

<i>Free Period</i>	<i>Permitted Display Time</i>
February	11—21
March/April	Two weeks before Easter Sunday
May	25—30
July	1—5 and 20—25
September	1—7
October	24—31
November	4th week of November
December	December 10 through January 2

*See special promotional periods for additional time to display banner and/or blade banners (signs that require a permit).

- (10) *Vehicle Signs.* Any sign that is attached to or placed on a vehicle or trailer that is parked on private property or driven upon public streets where:
- a. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and is actively used for the daily operations of the business to which such signs relate and is parked a minimum of 50 feet away from the right-of-way of a public or private street; or
 - b. The vehicle or trailer is not actively used for the daily operations of the business and is parked on the private property of the business to which the sign relates; and
 - c. The vehicle is not to be used as parked or stationary outdoor display signage.
- (11) *Banners on Light Poles for Private Developments and Public Facilities.* Banners on light poles may be used on developments within the CBD and RC Zones, a planned shopping center, or planned development which has seven acres or larger and having at least 300 lineal feet of frontage, and under the following guidelines (see Figure 23).



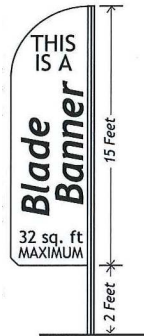
- a. Each light pole may have a maximum of two banner signs.
- b. Banners shall be uniform in size and be no larger than three feet wide and eight feet tall. A maximum of 48 square feet of banner signage shall be allowed per light pole. Each light pole may have a maximum of two banner signs, one on each side of the pole.
- c. Maintain clearance height of at least ten feet if located in a landscape island or 14 feet if vehicular access is allowed beneath the banners.
- d. No light pole shall be erected with the intent of hanging a banner unless the primary purpose of the light pole is to provide light in parking areas and driveways.
- e. Signs shall be placed on the light pole via permanent support brackets (top and bottom) meant for the placement of a sign where such signs shall hang taut.
- f. Signs shall be constructed and maintained with durable, weather-resistant materials in a graffiti-free and clean, like-new condition. Allowed banners must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.

(e) *Temporary Signs Requiring a Permit; Residential and Nonresidential Districts.* Temporary signs displayed during the following promotional periods require a temporary sign permit and may not be prolonged by those above periods allowed without a permit:

- (1) *Properties Subject to a Business Grand Opening.* Temporary signs erected for the opening of a business or the relocation or change of ownership of an existing business may be allowed within the first year of operation for a period not to exceed 45 calendar days. A combination of banners, blade banners, wind signs, inflatables, beacon lights, portable, and mobile signs may be used. The signs must be removed at the end of the 45-day period.



- (2) Multi-Family Projects. New for rent or lease multi-family projects are permitted to use a combination of banners, blade banners, directional, and A-frame signs in order to advertise the new units under the following provisions:
 - a. Banners are limited to one per building and must be installed on the building. The size of the banner may be determined by the Director and is dependent upon the size and scale of the sign and the number of units in the project. As a maximum, the banner may not exceed five percent of the building face. All other signs are prohibited within the right-of-way.
 - b. Projects containing up to 49 units will be permitted to install temporary signs for 45 days. Projects that have 50-99 units will be permitted to install temporary signs for six months. Projects with over 100 units will be permitted to install temporary signs for one year.
 - c. Allowed signs must be repaired or replaced when the surface area is grayed, torn, defaced, or damaged.
- (3) *Special Promotions.* A business may apply for up to four special promotion periods during the calendar year, under the provisions listed below. Each period may not exceed seven days in length. These periods may run consecutively.
 - a. Only one banner, or up to two blade banners, per property, may be used on-site in nonresidential zones. Groups of blade banners shall be separated by another group of blade banners by at least 100 feet. Such signs shall not exceed 32 square feet.



- b. Signs must be securely attached to a structure or to ground posts. Banners mounted to the ground may be not higher than 48 inches from the ground to the top of the sign and must have a stabilizing crossbar between the ground posts at the top of the sign.
- c. Blade banners shall not exceed an overall height of 17 feet. The blade banners must be ground-mounted using a post or supported in a stand.
- d. Signs shall be set back from the property lines a minimum of three feet and cannot obstruct the right-of-way.
- e. Signs shall not be placed where they obstruct the view of any sign identified as a public necessity sign.

(LDC 2008, § 15A-26-08; Ord. No. 11-24, 12-5-2011; Ord. No. 16-14, 3-23-2016; Ord. No. 17-13, 5-11-2017)

Sec. 21-26-9. Sign Permit Process.

(a) *Sign Design.* Each sign submitted for approval shall incorporate the following elements:

- (1) Architectural compatibility.
- (2) Size, scale, proportion (balance).
- (3) Illumination.
- (4) Color and style.
- (5) Location.
- (6) Landscaping.

If the Director feels adherence to these elements is not shown, the Director may require modifications to the sign, deny the application, or refer an application to the Planning Commission for further review. The Planning Commission may allow exceptions to the above criteria for signs with unique artistic or architectural design.

(b) *Required Permit Information.*

(1) *Information Required for All Applications.*

- a. Proof of current Sandy City business license.
- b. Business address and phone number.
- c. Address of property owner and phone number.
- d. General or sign contractor license, phone number, and address.
- e. Value of the sign (including the cost of manufacturing and installation).

(2) *Additional Information Required for Monument and Pylon Signs.*

- a. Plot plan showing relationship of signs to buildings, property lines, setback from public rights-of-way, intersections, easements, driveways, existing site contours one-foot intervals), and nearest monument or pylon signs on the same frontage.
- b. Two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, materials, type of illumination, and how the sign will appear from the street.
- c. Details of sign construction, including an electrical plan and foundation schemes with appropriate engineers' stamps.
- d. Number of acres and length of lineal frontage of property.

(3) *Additional Information Required for Signs on a Building Exterior.*

- a. Two scaled drawings showing square foot dimensions of both the building and the sign, sign composition, and type of illumination.
- b. A profile drawing of how the sign will appear from the street/parking area and on the building.

- c. Details of sign construction, electrical plan, and attachment details with appropriate engineers' stamps.

(4) *Temporary Signs.*

- a. Plot plan showing relationship of signs to buildings, property lines, setback from public rights-of-way, intersections, easements, and driveways.
- b. Length of period for display.
- c. Type of request (e.g., grand opening, special promotions, etc.).

(c) *Required Inspections and Tags.*

- (1) *Permanent Signs.* All permanent signs containing electrical components, footings, engineering, or as otherwise required by the Chief Building Official shall receive final inspections by an authorized building official to certify that the placement and construction of such sign is in conformance with representations made in permit applications, and that work is completed and meets all applicable Building and Safety Codes and conditions of approval.
- (2) *Temporary Signs.* Temporary signs for which a permit is required and has been approved shall have attached thereto a City-issued tag recognizing the temporary nature of its approval. Such tags shall be displayed for the duration of the City-approved period. Inspections shall be made to ensure that the sign is in conformance with representations made in permit applications, and that all applicable codes, standards, and conditions of approval are met.

(d) *Penalties for Installing Signs Without Permits or Inspections.* New or existing signs installed or maintained without a required permit or the required inspections will be required to be removed or assessed a penalty fee as outlined by the most recently adopted Sandy City budget at the time the owner/operator of the sign makes application for its permit. A cash bond will be required in accordance with the guidelines stated herein before any subsequent permit applications will be approved for the contracted sign company.

(LDC 2008, § 15A-26-09)

Sec. 21-26-10. Sign Themes and Special Zones.

(a) *Sign Themes.*

- (1) All multi-tenant centers/buildings must submit a proposal for design and placement of all on-premises signs to the Planning Commission during site plan review. All such developments must have an approved sign theme before any sign permits will be issued to a business locating within it. The use of multiple cabinet signs or combination of cabinet and individual lettering signs shall not be allowed (see Figures 28 and 29).



Figure 28 - Inappropriate Wall Sign Combinations on a building face.



Figure 29 - Appropriate Wall Sign Combinations on a building face.

- (2) Upon planning commission approval, the design and placement of on-premises signs (including any proposed advertising statutory signs) for developments of seven acres or larger and having at least 300 lineal feet of frontage may vary from the regulations set forth herein. The Planning Commission must determine that:
- The proposed sign exceptions are not in conflict with the purpose and intent of this chapter;
 - The proposed signs are in architectural harmony with the development; and
 - The proposed signs appropriately utilize those elements listed in the design criteria of this chapter.

(b) *Signs in Special Zones.* The rules for signs in special zones (e.g., Civic Center Overlay Zone, the AutoMall District, the CBD Zone, etc.), shall be as described in such zones. However, the Planning Commission may, as part of a conditional use, impose more stringent requirements during conditional use or site plan review.

(c) *Signs on Major Sports Venues.*

- All major sports venues must submit a proposal for a sign theme showing design and placement of all on-premises signs. This sign theme may be approved if the Planning Commission can determine that:
 - The proposed signs are not in conflict with the purpose and intent of this chapter, and consistent with the General Plan;
 - The proposed signs and sign locations are consistent with the architecture of the development; and
 - The proposed signs appropriately utilize those elements listed in the design criteria of this chapter.
- A combination of cabinet and individual lettering signs is allowed.
- Signs permitted on major sports venues may include the following:
 - Interior Stadium Signs.* Those signs designed to be viewed by spectators and visitors to the sports venue and only incidentally seen from the exterior or areas accessible by non-paying visitors. Interior signs may include:
 - Sponsorship scrim panel signs: to be located between the seating structure and the canopy of the stadium. May be any color and show a sponsor message or company logo. Limited to 20 signs.

2. Wall signs: may be of channel letter or cabinet design. Signs will not be allowed on the fascia above the seating levels in the area below the canopy.
 3. Blade signs: to be located upon pedestrian corridors within the venue. Must be at least eight feet above walking surface and no greater than ten inches wide by eight feet high.
 4. Grandstand signs: single-face signs that are only directed toward the interior of the stadium must either be hidden from exterior view or be architecturally compatible with the structure when viewed from the exterior. Limited to four signs and 360 square feet total.
 5. Scoreboard sign: includes changeable copy typically used for scores, game updates and replays located on a structure facing the playing field. It may also include no more than five permanent, non-changeable copy signs not exceeding 1200 square feet.
 6. Field boards: located upon edge of the playing field.
- b. *Exterior Stadium Signs.* Those signs designed to be viewed from the exterior of the building. Exterior signs may include:
1. Sponsorship scrim panel signs: to be located between the seating structure and the canopy of the stadium or exterior of scoreboard structure. One sponsorship scrim panel sign may be located on the southwest corner of the canopy structure and which may not be higher than the interior scrim signs. It is prohibited to install any sponsorship scrim panel signs on the west side of the stadium. May include a sponsor logo and name only on a neutral-colored background that complements the architecture of the venue or a naming rights sign. Limited to 20 signs.
 2. Wall signs: may show naming rights or guide and directional signs. Limited to 20 total signs.
 3. Blade signs: to be located above pedestrian areas on exterior of venue. Must be at least eight feet above walking surface and no greater than two feet wide by 20 feet high. Limited to 12 signs.
 4. Grandstand signs: limited to four signs and 360 square feet total.
 5. On-premises freestanding signs: the Planning Commission may approve up to one sign per street frontage. The signs are limited to 30 feet in height and 100 square feet in sign face area.
 6. Parking lot banners: must comply with existing banner regulations.
 7. On-site fencing signs: a maximum of two single faced signs permanently attached to the fence surrounding the parking lot south of the stadium, provided the following provisions can be complied with:
 - (i) The proposed sign is not in conflict with the purpose and intent of this chapter, and:
 - (ii) The fence is not located on a property line.

- (iii) The proposed sign shall not be on any fencing that is located adjacent to, or within 100 feet of, any public street.
- (iv) The proposed sign shall not exceed four feet in height.
- (v) The proposed signage copy shall not occupy more than 15 percent of the total floor area of the fence that is covered.
- (vi) The sign shall be made from a vinyl mesh material.

(d) *Sports Field Fencing Signs.* All applications for sports field fencing signs within a private park, which park is associated with a major sports venue, shall be reviewed by the Planning Commission, which shall determine the following:

- (1) The proposed signs are not in conflict with the purpose and intent of this chapter, and are consistent with the General Plan, and:
 - (2) The proposed signs appropriately utilize those elements listed in the design criteria of this chapter.
 - (3) The proposed signs shall not be on any fencing that is located adjacent to, or within 50 feet of, any public street.
 - (4) The proposed signs shall not exceed six feet in height, or the height of the fence, whichever is lower, and shall be permissible only on the field side of the fence.
 - (5) The proposed signage shall not occupy more than 50 percent of the total length of the fence line surrounding the sports field.
 - (6) Either one six-foot-tall evergreen or one 1½-inch caliper deciduous tree shall be planted on the site for every 150 lineal feet of fencing which contains a sports field fence sign.
 - (7) The sign shall be made from a vinyl mesh material.
- (LDC 2008, § 15A-26-10; Ord. No. 09-03, 2-6-2009; Ord. No. 11-22, 11-21-2011; Ord. No. 14-14, 6-12-2014)

Sec. 21-26-11. Sign Regulations for Sexually Oriented Businesses.

Notwithstanding anything contrary contained in this chapter, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:

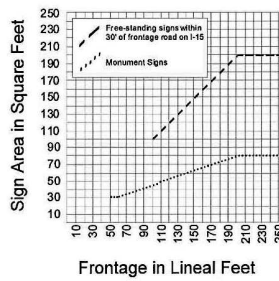
- (1) No more than one exterior wall sign, not to exceed 18 square feet, shall be allowed.
- (2) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- (3) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
- (4) No display, decoration, sign, or show window that provides the observation of material depicting, describing, or relating to specified sexual activities or specified anatomical areas is allowed.
- (5) Painted wall advertising is not allowed.

- (6) The sexually oriented business shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.
(LDC 2008, § 15A-26-11)

Sec. 21-26-12. Attachments and Graphs.

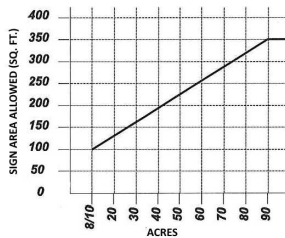
- (a) *Attachment A.* Graph-Size Allowance for Monuments.

The sign area allowed for monument signs: 32.0 sq. ft. + 1 sq. ft. per 3.125 lineal feet of street frontage over 50.0 feet, maximum size is 80.0 sq. ft.



The sign area allowed for a pylon sign placed on property abutting the freeway or frontage road: 100.0 square feet plus one square foot per each lineal feet of street frontage over 100.0 feet; maximum size is 200.0 square feet.

- (b) *Attachment B.* Graph-Sign Area Allowance for Pylon Signs:



(LDC 2008, § 15A-26-12)

Sec. 21-26-13. Newspaper or Periodical Racks and Stands.

- (a) *Intent and Purpose.* The City Council finds and declares that:

- (1) *Findings.*

- a. The uncontrolled placement and maintenance of newsracks in public rights-of-way and private property presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way and private property; including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control, and emergency services.

- b. Newsracks located to cause an inconvenience or danger to persons using public rights-of-way and private property and unsightly newsracks located therein constitute public nuisances.
 - c. It is a matter of public necessity that Sandy City protect children and unconsenting adults in and on its public streets, sidewalks, transportation facilities, and other public rights-of-way from viewing public displays of offensive sexual material. Such displays are thrust indiscriminately upon unwilling audiences of adults and children and constitute assaults upon individual privacy.
 - d. These factors constitute an unreasonable interference, and obstruction of the use of public rights-of-way and private property constitute an unwarranted invasion of individual privacy. They are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.
 - e. The City Council recognizes that the use of such rights-of-way are so historically associated with the sale and distribution of newspapers and publications that access to those areas for such purposes should not be absolutely denied. The City Council further finds that these strong and competing interests require a reasonable accommodation which can only be satisfactorily achieved through the means of this section which is designed to accommodate such interests regulating the time, place, and manner of using such newsracks.
- (2) *Purpose.* The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals, and general welfare of persons in Sandy City in their use of public rights-of-way through the regulation of placement, appearance, number, size, and servicing of newsracks on the public rights-of-way and private property so as to:
- a. Provide for pedestrian and driving safety and convenience.
 - b. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to or egress from any place of business or from the street to the sidewalk.
 - c. Provide reasonable access for the use and maintenance of sidewalks, piles, posts, traffic signs and signals, hydrants, mailboxes, landscaping, and similar appurtenances, and access to locations used for public transportation purposes.
 - d. Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas.
 - e. Protect the right to distribute information protected by the United States and the Utah State Constitutions through the use of newsracks.
- (3) *Preservation of Constitutional Rights.* It is not the intent of this section to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Block* means one side of a street between two consecutive intersecting streets.
- (2) *Distributor* means the person responsible for placing and maintaining a newsrack in a public right-of-way or private property.
- (3) *Newsrack* means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale or free distribution of newspapers or other news periodicals or publications.
- (4) *Obscene* means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person applying contemporary community standards would find, taken as a whole, appeals to prurient interests; or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law, and taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (5) *Parkstrip* means the area between the sidewalk and the curb of any street, and where there is no sidewalk, the area between the edge of the roadway and the property line adjacent thereto. The term "parkstrip" shall also include any area within a road right-of-way that is not open to vehicular travel.
- (6) *Roadway* means that portion of a street improved, designed, or ordinarily used for vehicular travel.
- (7) *Sidewalk* means any surface provided for the exclusive use of pedestrians.
- (8) *Street* means all the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkstrips, alleys, and sidewalks.

(c) *Newsracks Prohibited.*

- (1) No person shall install, use, or maintain any newsrack which projects onto, into, or rests, wholly or in part, upon the roadway of any public street.
- (2) No person shall install, use, or maintain any newsrack which projects onto, into, or rests, wholly or in part, upon the parkstrip of any public street.
- (3) No person shall install, use, or maintain any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk:
 - a. When such installation, use, or maintenance endangers the safety of persons or property.
 - b. When such site or location is used for public utility or public transportation purposes or other governmental use.
 - c. When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress in or egress from any residence or place of business; or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

- d. When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.
 - e. When such newsrack does not allow a minimum sidewalk clearance of six feet in width or depth.
 - f. In any other manner inconsistent with or in violation of the provisions of this section.
- (4) No newsrack shall be chained, cabled, mounted, or otherwise attached to any post, pole, or other device used for the direction, control, identification of vehicular traffic, or the conveyance of a public utility. Such devices include, but are not limited to, stop signs, street identification signs, semaphore poles, semaphore control boxes, State highway identification signs, and public utility poles.
 - (5) No newsrack shall be erected near any driveway or intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb (or a future curb) and a line connecting them at points 60 feet from the intersection of the lines. Deviations from these requirements must be reviewed and approved by the City Transportation Engineer.
- (d) *Newsracks Permitted.*
- (1) *Permit Required.* It shall be unlawful for any person, firm, or corporation to erect, place, maintain, or operate on any public street, sidewalk, or in any other public way or place in Sandy City any newsrack without first having obtained a permit from the Community Development Department specifying the exact location and construction and appearance details of such newsrack.
 - (2) *Application for Permit.* Application for such permit shall be made in writing to the Community Development Department upon such form as shall be provided and shall contain the name and address of the applicant, the proposed specific location of said newsrack, including plot plan, the structural design and color of the newsrack, listing of other joint distributors within the newsrack, a hold harmless agreement, proof of insurance, and shall be signed by the applicant. All applications shall be accompanied by payment of the newsrack fee, as set by the City Council. The fee is per location, not per application.
 - (3) *Condition for Permit.* Such permits shall be valid for three years and shall be renewable pursuant to the procedure for original applications and upon payment of the application fee.
 - (4) *Hold Harmless Agreement.* Every owner of a newsrack who places or maintains a newsrack on a public sidewalk or other public property in Sandy City shall file a written statement with the Community Development Department in a form satisfactory to the City Attorney, whereby such owner agrees to indemnify and hold harmless the City, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, and/or maintenance of a newsrack.

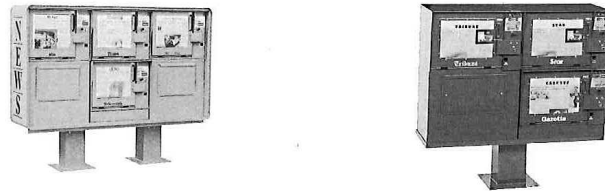
(e) *Newsrack Identification Required.* Every person or other entity which places or maintains a newsrack on a public sidewalk or other public property of the City shall have his or its name, address, and telephone number affixed thereto in a place where such information may be easily seen. However, such information shall not take up space on the rack in excess of six square inches.

(f) *Location and Placement.* Any newsrack which rests, in whole or in part, upon, or on any portion of a public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located in accordance with the following provisions:

- (1) No newsrack shall be used or maintained which projects onto, into, or over any part of the roadway or any public street, or which rests, wholly or in part, upon, along, or over any portion of the roadway or parkstrip of any public street.
- (2) No newsrack shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way, or any post, pole, semaphore, or governmental sign which may be adjacent to the right-of-way. Such prohibition includes all public utility poles, all street light poles, and other facilities placed and maintained by local, State, or Federal governmental authorities.
 - a. No newsrack shall be placed, installed, used, or maintained:
 1. Within five feet of any marked crosswalk.
 2. Within 15 feet of the curb return of any unmarked crosswalk.
 3. Within five feet of any fire hydrant or other emergency facility.
 4. Within five feet of any driveway.
 5. Within three feet ahead or 25 feet to the rear of any sign marking a designated bus stop.
 6. Within five feet of the outer end of any bus bench enclosure.
 7. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet.
 8. Within three feet of or on any public area improved with lawn, flowers, shrubs, trees, or other landscaping, or within three feet of any display window of any building abutting the sidewalk or parkstrip or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.
 9. Within 100 feet of any other newsrack on the same side of the street, in the same block, containing the same issue or edition of the same publication.
 10. No newsrack shall be erected near any driveway or intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb (or a future curb) and a line connecting them at points 60 feet from the intersection of the lines. Deviations from these requirements must be reviewed and approved by the City Transportation Engineer.
 11. On any access ramp for disabled persons.
- (3) For locations upon private property, the newsrack shall be placed adjacent to the building and be located near or at the main entrance to the facility. They shall not be placed in such a manner to act as a billboard or similar off-premises advertising sign.

(g) *Newsrack and Stand Design.* No newsrack shall extend above 56 inches in height. All newsracks shall use dark brown or dark green coloring. Should the placement of more than one newspaper or periodical be desired, they will all be contained in one unit holding up to six newspapers or periodicals. Should more than six newspapers or periodicals be desired, another rack or stand may be used. Individual periodical dispensers/racks may not be placed next to one another. (See Subsection (i) of this section for adjacent placement requirements.)

(h) *Examples of Acceptable Rack and Stand Design (Not a Representation of Color).*



(i) *Adjacent Placement Requirements.* Newsracks may be placed next to each other provided there are more than six newspapers or periodicals that cannot be placed in one unit, with not more than six inches separating each newsrack. No than two six unit newsracks shall be located on any public right-of-way within a space of 200 feet in any direction within the same block.

(j) *Advertising Cards.* No newsrack shall be used for advertising or display purposes, except that newsrack cards may be used to advertise the publication sold therein, and the name of the publication may appear on the display window.

(k) *Standards for Maintenance and Installation.* Any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

- (1) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold or distributed therein.
- (2) Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid-for publication. The coin-return mechanism shall be maintained in good working order.
- (3) Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this section.
- (4) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
 - a. It is reasonably free of dirt and grease.

- b. It is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas thereof.
- c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon.
- d. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration.
- e. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling, or fading.
- f. The structural parts thereof are not broken or unduly misshapen.

(l) *Display of Certain Matter Prohibited.* Publications offered for sale or free distribution from newsracks placed or maintained on or projecting over the street or sidewalk shall not be displayed or exhibited in a manner which exposes to public view from the street or sidewalk any of the following:

- (1) Any publication or material which exposes to public view any pictorial material that is obscene.
- (2) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront.
- (3) Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.
- (4) Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.

(m) *Violations.*

- (1) Upon determination by the Director that a newsrack has been installed, used or maintained in violation of the provisions of this section, an order to correct the offending condition shall be issued to the distributor of the newsrack.
- (2) Such order shall be telephoned or made in person to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition, suggest actions necessary to correct the condition, and inform the newsrack distributor of the right to appeal. Failure to properly correct the offending condition within five days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order or to appeal the order within three days after its receipt shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to the owner under the provisions described herein, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the City's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Director shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section.

(n) *Appeals.* Any appeal herefrom shall be filed in accordance with Chapter 21-35.

(o) *Abandonment.* In the event that a newsrack remains empty for a period of 30 continuous days, the same shall be deemed abandoned and may be treated in the manner as provided in this section for newsracks in violation of the provisions of this section.

(p) *Severability.* If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

(LDC 2008, § 15A-26-13)

Sec. 21-26-14. Flags.

The following regulations apply to all flags and flagpoles:

(1) *Flags Allowed Without a Permit in All Zones.*

- a. Up to three noncommercial flags per parcel in all zone districts may be displayed.
- b. Such flags may be attached to the side of a building, flown on a flagpole, not to exceed six feet in length attached to a building, or flown from a ground-based flagpole of not more than 20 feet in height. Flagpoles shall be located in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.

(2) *Flags Allowed With a Permit in Residential Zones.*

- a. No more than three noncommercial flags shall be displayed on a single parcel in a residential district. No commercial flags shall be allowed in any residential districts.
- b. All flagpoles over the height of 20 feet require an approved building permit from the Sandy City Community Development Department and must be located in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.
- c. Flagpoles shall not exceed 60 feet or the maximum height limit in the zone district in which it is located, whichever is less.

(3) *Flags Allowed with a Permit in Commercial and Industrial Zones.*

- a. Up to three commercial flags per parcel in Commercial and Industrial Zones may be displayed. A total of six (three commercial and three noncommercial) flags may be displayed on a single parcel in Commercial or Industrial Districts.
- b. Such flags shall require a permit, regardless of size of flag or flagpole.
- c. Flagpoles shall not exceed 60 feet or the maximum height limit for structures in the zone district in which it is located, whichever is less, except as allowed herein.
- d. The Planning Commission may grant a special exception for a taller flagpole based upon the following criteria:
 1. A maximum height of 120 feet may be approved.
 2. The parcel must be at least two acres.
 3. Minimum flagpole setback from any property line shall equal the height of the flagpole.

4. The Planning Commission may be able to impose additional conditions directed at minimizing or eliminating nuisance factors related to noise.
 - (4) *Lighting of Flags.* If a flag is lit, it shall be lit using directional up-lighting from ground level only. No lighting is permitted on the flagpole itself. Exceptions to the ground-level requirement may be made in order to properly light a noncommercial flag according to protocol established by the Congress of the United States and the State of Utah (U.C.A. 1953, § 76-9-601) with permission from the Director, provided such lighting does not constitute a hazard to traffic or pedestrians or an undue burden on neighboring properties.
 - (5) *Exceptions.* On recognized State and Federal holidays, the above regulations will not be enforced. Flags may be displayed without limit to number or location provided they do not pose a hazard to traffic flow or pedestrians.
- (LDC 2008, § 15A-26-14; Ord. No. 11-24, 12-5-2011)

CHAPTER 21-27. GRADING AND EXCAVATING

Sec. 21-27-1. Purpose.

(a) The purpose of this chapter is to establish minimum requirements for grading, filling, and excavation work, and the procedures by which these requirements may be complied with and enforced.

(b) Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements outlined elsewhere in this title, the International Building Code (IBC), the International Residential Code (IRC), or any more restrictive provisions of covenants, agreements, or other ordinances or laws, or from obtaining any easements or authorization for grading on property not owned by the developer.

(LDC 2008, § 15A-27-01)

Sec. 21-27-2. Application for Grading and Excavating Permit.

(a) Applications for a grading and excavating permit shall be filed in writing by the property owner or legally authorized agent thereof with the Director.

(b) The application shall include grading, filling, and excavating plans submitted by a professional engineer licensed by the State of Utah. The plans shall be stamped, signed, and dated. In addition, any required fees, as adopted by the City Council, must be paid.

(c) A separate application and permit are required for work to be done on each individual project site. If grading, filling, or excavation occurs prior to obtaining a permit, it shall be subject to penalties and abatement procedures, except as otherwise specified.

(d) In granting any permit, the Director or his representative may attach conditions deemed necessary to prevent creation of a nuisance or hazard to public or private property and to assure completion of the grading, including, but not limited to:

- (1) Improvement of any existing grading to bring it up to the standards of this chapter or the recommendations of the City Engineer.

- (2) Requirements for fencing or protection of grading that would otherwise be hazardous.
- (3) Dust, mud, erosion control, revegetation, noise control, hours of operation, sequence of work, weather condition requirements, and haul routes.
- (4) Time allowed for the work to be completed.
- (5) Construction staking.
- (6) Posting of guarantee for improvements.

(e) For all projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.

(f) A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:

- (1) Land disturbing activity that generally disturbs one or more acres of land;
- (2) Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
- (3) Land disturbing of less than one acre of land, and if, in the discretion of the Public Utilities Director, such activity poses a unique threat to water quality, air quality, or public health safety;
- (4) The creation and use of borrow pits;
- (5) Development of a single-family home;
- (6) Processing of earthen materials such as top soil and gravel screening;
- (7) Construction of parking lots;
- (8) Demolitions.

(g) If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:

- (1) Grading permit.
- (2) Subdivision Plan approval (residential).
- (3) Site plan approval (commercial).
- (4) Building permit.
- (5) Road cut permit.

(h) Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy State regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.

(i) For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.

- (1) The online SWPPP management system shall meet audit requirements of the State of Utah.
- (2) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in Subsection (g) of this section.
- (3) Reports and data shall be made available upon request.
- (4) City staff shall have viewing access rights.

(j) As part of the Jordan Valley Municipalities Permit, Sandy City encourages a low impact development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use stormwater for the site to protect water quality.

- (1) All development that warrants compliance with the UGCP must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water.
(LDC 2008, § 15A-27-02; Ord. No. 15-22, 7-15-2015)

Sec. 21-27-3. Final Review and Approval.

(a) *Submission to Director.* A complete set of plans, including profiles, cross-sections, and specifications, along with all other required documents, shall be submitted to the Director with each application for a grading permit and when otherwise required by the Director for enforcement of any provisions of this chapter.

(b) *Review by City Engineer.* Before a final grading permit may be issued by the Director, the final grading plans, application, and all other required documents must be reviewed and approved by the City Engineer and any other departments or commissions deemed necessary to ensure that all applicable engineering standards and Building Code requirements have been met.

(c) *Issuance of Permit.* When the final plans and other required documents have been approved as provided and ordinance requirements met, a grading permit may be issued by the Director.
(LDC 2008, § 15A-27-03; Ord. No. 15-22, 7-15-2015)

Sec. 21-27-4. Distribution and Use of Approved Plans.

The applicant shall supply reproductions of approved, stamped, and dated plans for use by the project work crew. One or more sets of approved plans shall be retained on the site at all times during the work. If work is performed without the latest revised set of approved, stamped, and dated plans at the work site, a stop-work order may be issued by the City Engineer or a building official causing work to cease. The stop-work order will remain until such time as approved, stamped, and dated plans are obtained, and the order is released.

(LDC 2008, § 15A-27-04)

Sec. 21-27-5. Compliance With Permit Requirements and Plans.

The developer shall be responsible for compliance with the requirements of this chapter and related laws, including, but not limited to, the IBC, IRC, AASHTO specifications, the Development Code, Sandy City Development Standards and Requirements for Storm Water, Jordan Valley Municipalities Permit (Permit UTS000001), Utah General Construction Permit (Permit UTR00000), where required, and the Sandy City Standard Specifications and Details for Municipal Construction (SCSSDMC). (LDC 2008, § 15A-27-05; Ord. No. 15-22, 7-15-2015)

Sec. 21-27-6. Modification of Approved Plans.

(a) Proposed modifications that substantially change the location or scope of grading shall be submitted to and approved in writing by the Director and City Engineer prior to modification.

(b) All necessary soils and geological information and design details shall accompany any proposal to modify the approved grading plans.

(c) The modification shall be compatible with any subdivision plat or land use requirements. (LDC 2008, § 15A-27-06)

Sec. 21-27-7. Responsibility of the Developer.

(a) *Protection of Utilities.* The developer shall be responsible for the prevention of damage to any public utilities or services.

(b) *Protection of Adjacent Property.* The developer shall be responsible for the prevention of damage to adjacent property.

(c) *Inspection Notice.* The developer shall notify the Director and City Engineer at least 48 hours prior to the start of work.

(d) *Temporary Erosion Control.* The developer shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, blowing dust, flooding, or deposition of mud or debris originating from the site. For all projects that are one acre in size or larger, a Utah Pollutant Discharge Elimination System (U.P.D.E.S. Notice of Intent) Permit from the Utah Department of Environmental Quality Water Division and evidence of the Notice of Intent shall be provided to the City Engineer.

(e) *Permit to Work in Public Right-of-Way.* The developer shall obtain a separate permit from the Public Works Department for any work performed within a Sandy City right-of-way (see SCSSDMC). Permits for work in other public rights-of-way shall be obtained from the appropriate authority.

(f) *Traffic Control and Protection of Streets.* The developer shall provide flag men, signs, barricades, etc., to ensure adequate safety when working in or near public streets. Developers shall comply with all applicable City ordinances, state laws, and the current edition of the Manual on Uniform Traffic Control Devices.

(g) *Hazards From Existing Grading.* Whenever the Director and City Engineer determine that any existing excavation, cut, or fill has become a hazard to persons or property, or adversely affects the safety, use, or stability of a public right-of-way or drainage channel, the developer/owner of the property upon which the excavation, cut, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Director or City Engineer, shall, within the period specified therein, repair, reconstruct, or remove such excavations, cut, or fill to eliminate the hazard. The Director or City Engineer shall have authority to cause any situation deemed by the City to be a hazard resulting from such grading to be remedied to the satisfaction of the Director or City Engineer. The party responsible for grading shall promptly pay the City for any costs or expenses incurred by the City for such work. If payment is not received within 30 days of notice, the City may make demand upon the guarantee that was required prior to issuance of any grading permit.

(h) *Tracking of Dirt onto Public Streets.* The developer shall provide for adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets and shall be responsible for cleaning streets in a manner and at intervals as required by the City Engineer.

(i) *Maintenance of Waterway and Irrigation Canals.* The developer shall take all necessary measures to protect and maintain the flow of waterways and irrigation canals. The developer shall obtain any permit required by the jurisdictional authority for the waterway or canal.
(LDC 2008, § 15A-27-07)

Sec. 21-27-8. Design Standards.

The following shall be considered to be the minimum required standards for cuts, fills, drainage, dust, mud control, erosion control, revegetation, and maintenance, unless otherwise determined by the City Engineer upon review of the plans:

(1) *Cuts.*

a. *Maximum Slope.*

1. Cuts shall not be steeper in slope than two horizontal to one vertical, unless a soils engineering and an engineering geology report is filed with the Director certifying that the site has been investigated and indicates that the proposed steeper slope will be stable and will not endanger any private or public property or result in the harmful deposition of debris on any public or private property and any public right-of-way or interfere with any existing drainage course.
2. The Director and City Engineer may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical (2:1) for stability and safety. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

- b. *Drainage Terraces.* Cut slopes exceeding 30 feet in vertical height shall have drainage terraces at vertical intervals not exceeding 25 feet. Where only one terrace is required, it shall be at approximately mid-height, unless some other location is approved by the

Director and City Engineer. The design and construction of the drainage terraces shall conform to the requirements of this chapter and the International Building Code, as adopted.

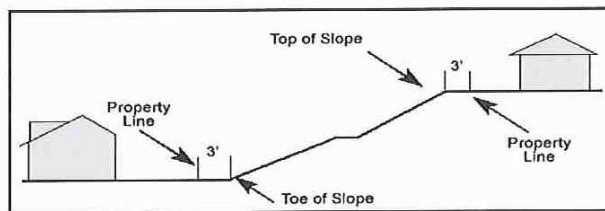
- c. *Expansive Soils.* If during the grading operation expansive soil is found within two feet of the finished lot grade of any area intended or designed as the location for a building, the expansive soil shall be removed from such building area to a depth specified by a licensed professional civil engineer and replaced with properly compacted nonexpansive soil. The City Engineer may approve other procedures such as footing designs or floor slab designs certified by a professional engineer to alleviate any problem created by such expansive soil.
- d. *100-Year Storm.* No cut shall be allowed in a natural drainage course without a mitigation plan indicating the allowable passage of a 100-year storm that has been approved by the appropriate agency.

(2) *Fills.*

- a. *Layers.* Fills shall be constructed in layers and conform with SCSSDMC. Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills.
- b. *Compaction.* All fills shall be compacted throughout their full extent and conform with SCSSDMC. The developer shall perform sufficient tests as determined by the City Engineer to ensure compliance with the provisions of the City standards. The City Engineer may require that an investigation be made by a soils laboratory to establish the characteristics of the soil, the amount of settlement to be expected, and the susceptibility of the soil to erosion or slippage.
- c. *Preparation of Ground to Receive Fill.* The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, or other deleterious material, and where slopes are five horizontal to one vertical (5:1) or steeper by benching into competent material. The lowermost bench shall be at least ten feet wide, except where recommended by the City Engineer. Subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident. Such subdrainage systems shall be of a material and design approved by the City Engineer and acceptable to the Director. The location of the subdrains shall be shown in plan and elevation views on the plan. Such drains shall be designed to accommodate runoff of a 100-year storm. No fill shall be allowed in a natural drainage course without a mitigation plan approved by the appropriate agency.
- d. *Fill Slopes.* No fill shall be made which creates an exposed surface steeper in average slope than two horizontal to one vertical (2:1), exclusive of benches and rounds described herein, unless permitted by the Director and City Engineer after receipt of a report by a licensed professional civil engineer based on appropriate laboratory tests certifying the steeper slope will be stable and will support erosion control plantings, when required by the City. The Director and City Engineer may require that the fill be constructed with an

exposed surface flatter than two horizontal to one vertical (2:1), or may require such other measures as they deem necessary for stability and safety. Fill slopes shall be rounded into existing terrain to produce a contoured transition from fill face to natural ground and abutting cut or fill surfaces where conditions permit.

- e. *Fill Material.* No organic material shall be permitted in fills. Rock or similar irreducible material with a maximum dimension greater than 12 inches shall not be buried or placed in fills within two feet of a finished grade. When such greater sized material is placed in fills, it shall be done in accordance with specifications prepared by the City Engineer (see SCSSDMC).
- f. *Drainage Terraces.* Fill slopes exceeding 30 feet in vertical height shall have drainage terraces at vertical intervals not exceeding 25 feet. Where only one terrace is required, it shall be at approximately mid-height, unless some other location is approved by the Director and City Engineer. Such drainage terraces shall be at least six feet wide and shall be designed and constructed to provide a swale or ditch having a minimum depth of one foot and a longitudinal grade of not less than four percent or more than 12 percent. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Downdrains or drainage outlets shall be provided at approximately 300-foot intervals along the drainage terrace or an equivalent location. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. The terrace, including the swale or ditch, shall be protected from erosion by a drainage way that discharges into a safe disposal area. If the drainage discharges onto natural ground, adequate erosion protection shall be provided.
- g. *Slopes to Receive Fill.* Fill placed on the top of an existing or proposed cut or natural slope shall be set back a minimum distance of three feet measured horizontally from the edge of the cut or slope.



- h. *Expansive Soils.* In areas intended or designed to support buildings, expansive soil shall not be placed within two feet of the finished grade unless recommended by a licensed professional civil engineer based on laboratory tests and the certification that a design of footings or floor slab or other procedure will alleviate problems created by placing the expansive soil within such building areas as reviewed and approved by the Director and City Engineer.

- (3) *Drainage/Disposal Requirements.* All drainage facilities shall be designed to carry surface and subsurface waters to the nearest practical street, storm drain, or natural watercourse as approved by the Director and City Engineer. Adequate provisions shall be made to avoid damage to adjacent and downstream properties. The following additional restrictions also shall apply:
- a. Water shall not pond above cut or fill slopes or on drainage terraces. Adequate drainage facilities shall be provided to prevent such ponding.
 - b. Areas designed for buildings shall be graded to provide for at least a two percent slope away from the building for a minimum of six feet.
 - c. All drainage facilities shall be capable of handling runoff from a ten-year storm. In natural drainage areas, the drainage facility shall be capable of handling runoff from a 100-year storm. The 100-year design flow channel shall be designed to carry water in the roadways or large natural channels where property damage will be minimized.
 - d. All provisions of the most current Sandy City Storm Water Ordinance, Sandy City Land Development Code, Sandy City Standard Specifications and Details, Sandy City Development Standards and Requirements for Storm Water, Jordan Valley Municipalities Permit (Permit UTS000001), and Utah General Construction Permit (Permit UTR00000) shall be complied with.
- (4) *Erosion Control.*
- a. *Slope Protection.* Provisions shall be made to minimize damage to the face of cuts and fills. Downslopes shall be protected from surface water runoff from above by dikes, swales, cutoff ditches, or other facilities approved by the Director and City Engineer.
 - b. *Dikes, Swales, and Ditches.* When required, dikes, swales, ditches, or other methods approved by the Director and/or the City Engineer shall be designed and constructed to control runoff and erosion from graded areas. Where concentrated drainage discharges onto natural ground, effective measures shall be taken to dissipate the energy and, where practical, release the accumulated waters as sheet flow unless the discharge is directed into a storm sewer or natural watercourse.
 - c. *Erosion and Sediment Control Plan.* An Erosion and Sediment Control Plan (SWPPP) shall be prepared and approved when required.

(LDC 2008, § 15A-27-08; Ord. No. 15-22, 7-15-2015)

Sec. 21-27-9. Soil Erosion/Blowing Dust as a Public Nuisance.

(a) *Declaration of Nuisance.* Soil erosion caused by wind and dust storms produced thereby and blowing of dust, soil, and sand are hereby declared to be destructive of property and natural resources of the City and are harmful to the health and well-being of the residents of the City. The City Council does hereby declare conditions causing, allowing, or maintaining blowing dust, soil, or sand to be public nuisances.

(b) *Duty of Landowner.* To conserve property and the natural resources of the City and to prevent injurious effects of blowing dust, soil, or sand, it is the duty of the owner of real property and all responsible parties to prevent by appropriate means the blowing of dust, soil, or sand.

(c) *Action by City Engineer.* When the City Engineer is advised of blowing dust, soil, or sand and is supplied with a description of such nuisance, or when, by reason of such blowing, the streets or other public property are damaged, the City Engineer is authorized to immediately inspect or cause to be inspected the source of such blowing dust.

- (1) Should the City Engineer, or City UPDES Inspector, determine that such blowing is injurious to persons, property, streets, public property, or public health and convenience, the City Engineer shall then determine what may be done to prevent or lessen such nuisance.
- (2) Should the City Engineer determine that such blowing dust, soil, or sand can be prevented or lessened, he is hereby authorized to issue an order to the responsible party specifying the nature of the nuisance, the treatment required, the extent thereof, the date by which such treatment is to be commenced, and the date such treatment is to be completed. Notice of such order shall be served on the responsible party in person by the City Engineer or his representative, or by certified mail to the last-known address of the responsible party.

(d) *Method of Enforcement.* If the treatment ordered by the City Engineer is not performed in a timely manner and to the extent specified in the order, and if no appeal is made; or, if it is not performed in the manner to the extent and within the time specified in the order or amendment thereof or within three days of any decision as a result of an appeal of an order issued by the City Engineer, the City Attorney may bring an action for abatement of the blowing condition as authorized by the provisions of this title. The bond may be declared forfeited in the amount necessary to complete the treatment required plus 50 percent service charge or may bring a criminal action.

(e) *Revegetation.*

- (1) *Vegetation Loss.* The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and trees. Such plantings shall provide for rapid, short-term coverage of the areas as well as long-term permanent coverage. A plan by a landscape architect may be required by the Director and/or the City Engineer.
- (2) *Timing of Planting.* Weather permitting, the planting shall be completed not more than 30 days after completion of the grading or a portion thereof on large projects.
- (3) *Vegetation Removal.* If the project is abandoned after vegetation removal has taken place, the area shall be planted as provided herein. If the work is suspended for an extended period, the Director and/or the City Engineer may require the developer to provide temporary planting as needed to control wind and water erosion.
 - a. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation that has good erosion control characteristics.

- b. No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30 percent or greater unless otherwise determined by the Planning Commission upon recommendation of the City Engineer for uses such as trails and open space improvements. Any revegetation of such a hillside shall have the approval of the City Engineer.
 - c. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., road, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
 - d. The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the Planning Commission. The property owner shall assume co-responsibility with the developer upon purchase of the lot.
- (f) *Maintenance.*
- (1) *Irrigation.* Areas required to be planted shall be provided with an approved system of irrigation where needed for planting propagation and continued maintenance. The plans shall be submitted and approved as a part of the grading permit. If hose bibs are installed, they must be at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.
 - (2) *Irrigation System Modification.* The requirement for a permanent irrigation system may be modified upon the recommendation of a landscape architect based on the type of plants selected, the planting methods, and the soil and climatic conditions at the site as approved by the Director and/or the City Engineer.
 - (3) *Establishment of Planting.* The planting and irrigation system required by this section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the guarantee for improvements, the planting shall be well established.
 - (4) *Other Standards.* In addition to the standards found in the SCSSDMC, the Director and City Engineer may adopt other supplementary engineering standards as may be appropriate for the carrying out of the provisions of this chapter.
- (LDC 2008, § 15A-27-09; Ord. No. 15-22, 7-15-2015)

Sec. 21-27-10. Guarantee For Improvements Required.

A guarantee shall be required to assure performance of the work on the project. A permit shall not be issued for grading and excavating unless the permittee first posts a guarantee in a form acceptable to the City in an amount sufficient to cover the costs of the required work as determined by the City Engineer.
(LDC 2008, § 15A-27-10)

Sec. 21-27-11. Reports and Construction Requirements and Procedures.(a) *Reports.*

- (1) *Soils Engineering Report.* The City Engineer may require a soils engineering investigation and a report by a qualified engineer based on the most recent Grading Plan. Such report shall include laboratory tests and data regarding the nature, distribution, and strength of existing soils; conclusions and recommendations for grading procedures; and design criteria for corrective measures.
- (2) *Engineering Geologic Report.* Based on the proposed grading and land use plans and geologic hazard maps, the Director and/or City Engineer may require an engineering geologic investigation prior to issuing the permit. When required, the engineering geologic report shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed grading and land use. Reports may include fault studies, rock fall studies and other studies as needed.
- (3) *Reports Approved by the City Engineer.* All reports shall be subject to the approval of the City Engineer, including supplemental reports and data as may be required by the City Engineer. Recommendations included in the reports and approved by the City Engineer shall be incorporated in the grading plans or specifications.
- (4) *Final Reports.* The City Engineer may require final reports, including, but not limited to, certification of slope stability and soil bearing capacity, summaries of field and laboratory tests, locations of tests, recommendations regarding building restrictions or foundation setbacks, and other information determined to be necessary by the Director and/or the City Engineer. The final soils or engineering geologic report shall be based on the as-built Grading Plan and shall specifically contain approval of the grading as affected by soils or geologic factors. A revised geologic map and cross-sections may be required.

(b) *Construction Requirements and Procedures.*

- (1) *Authorization of Private Civil Engineer to Inspect the Work.* Upon request, the Director and/or City Engineer may authorize a private licensed professional civil engineer to perform the inspection work and certify compliance with the approved plans and render any required reports. The permittee shall make his own contractual arrangements for such engineering services and be responsible for payment of all costs.
- (2) *Changes in Plans.* The permittee shall cause the work to be done in accordance with the approved plans and any instructions or recommendations by the private engineer. If, during the course of construction, the engineer finds that the work is not being done in accordance with the approved plans and specifications, he shall immediately notify the person in charge of the work and the Director and City Engineer in writing of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he shall prepare such proposed changes and submit them to the Director and City Engineer for approval.
- (3) *Notification of Work Completion.* When the grading work has been completed, the Director and the City Engineer shall be notified. Final approval and release of the guarantee for improve-

ments shall not be granted until all the work has been completed and the as-built Grading Plan and any required reports have been submitted and approved by the Director and City Engineer.

- (4) *Guarantee for Improvements.* The City Engineer, with concurrence of the Director, may release the guarantee for improvements, with the exception of that portion held for guarantee and warranty of the work, upon satisfactory completion and inspection of the approved grading or excavation.

(LDC 2008, § 15A-27-11)

Sec. 21-27-12. Prohibitions and Exemptions.

(a) *Prohibitions.* No person shall do any grading, cuts, or fills, or cause or allow the same to be done on real property that he owns or controls without first obtaining a grading permit, unless exempt hereunder.

(b) *Exemptions.* The following grading may be done without obtaining a permit provided it meets the applicable exemption requirements, does not endanger adjacent property, divert or impair the flow of water in a watercourse, or cause a public nuisance. Any grading work that is done without a permit and not conforming to these limitations and the exemption provisions herein shall be deemed a violation subject to penalties and abatement procedures.

- (1) *Minor Projects.* Minor projects which have cuts or fills, both of which are less than five feet in vertical depth at their deepest points measured from the natural ground surface, and both of which are less than 150 cubic yards of material on any one site and do not create significantly unstable slopes.
- (2) *Government Projects.* Grading on projects not requiring a building permit to be done by or under the supervision of the City Engineer or construction control of a governmental agency (where that agency assumes full responsibility for the work). All such grading shall be shown on the approved plans and be inspected and approved by the City Engineer.
- (3) *Valid Building Permit.* Grading in connection with a building, swimming pool, retaining wall, or other structure shall be authorized by a valid building permit. All such grading shall be shown on the approved plans and inspected and approved by the Chief Building Official and City Engineer. This exemption shall not affect the applicability of this chapter, nor the requirements for a grading permit for any excavation having an unsupported vertical bank greater than five feet in height after the completion of such structure, or any fill that is removed from the site or not shown on approved plans and inspected.
- (4) *Agriculture.* Grading done exclusively for the growing of agricultural crops or the raising of livestock.
- (5) *Excavations for Soils or Geological Investigations by a Soils Engineer or Engineering Geologist.* Such work shall be backfilled and shaped to the original contour of the land under the direction of the soils engineer or engineering geologist immediately after the investigation or within 45 days after the start of the work, whichever is sooner. All work shall conform with the latest edition of the SCSSDMC.
- (6) *Cemeteries.* Excavation or deposition related to grave sites.

(7) *Exemption for Dumps, Mines and Quarries.* Grading within the site of a refuse disposal dump, sanitary landfill, quarry or plant for excavating and the processing and stockpiling of rock, sand, gravel, aggregate or clay, provided that such grading or other activities are established and operated in accordance with all laws and the requirements of all permits. Except in the event of reclamation, all City standards must be adhered to.

(8) *Maintenance of Existing Firebreaks and Roads.* Maintenance shall mean keeping the firebreak or road in substantially the same condition it has been in previously. Prior to the first maintenance or new construction operation for each existing firebreak or road or portion thereof, a permit shall be obtained from the Director and/or City Engineer as provided herein.

(c) *Permit Denial for Geologic or Flood Hazard.* If the Director and/or City Engineer determines that the land area in which grading is proposed is subject to a geologic or flood hazard that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard, a grading permit may be denied.

(d) *Violation of Other Ordinances.* The Director and/or City Engineer shall not issue a grading permit unless all proposed land uses shown on the application or the grading plans for the site will comply with all provisions of this title and all other applicable ordinances.

(LDC 2008, § 15A-27-12)

Sec. 21-27-13. Appeals.

Any person adversely affected by a decision of the Director, and/or the City Engineer, may file an appeal in writing pursuant to the provisions of this title.

(LDC 2008, § 15A-27-13)

CHAPTER 21-28. FENCING

Sec. 21-28-1. Purpose.

This chapter has been provided to create minimum and maximum fencing standards for residential and commercial areas within Sandy City.

(LDC 2008, § 15A-28-01)

Sec. 21-28-2. Effect of Section on Covenants, Agreements, etc.

This chapter shall not nullify the more restrictive provisions of covenants, agreements, ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

(LDC 2008, § 15A-28-02)

Sec. 21-28-3. Fences; Residential Standards.

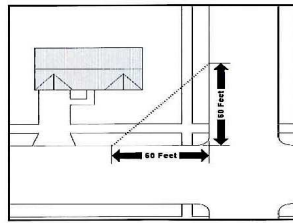
(a) *Side Yards and Rear Yards.* In any required side or rear yard on lots, the height of fences shall not exceed six feet, unless otherwise allowed herein.

(b) *Front Yards.* Fences in required front yards shall be allowed provided that solid type fences shall not exceed three feet, and open type fences (e.g., wrought iron) shall not exceed four feet.

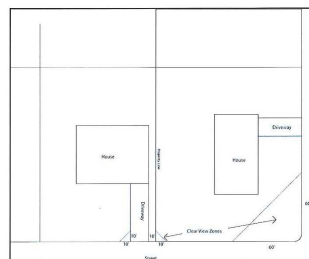
(c) *Corner Lots.* In addition to the other provisions contained in this section, fences located on corner lots shall be subject to the following provisions:

- (1) Any fence, wall, and/or hedge on the front yard setback shall not exceed three feet if opaque construction or four feet if open construction.
- (2) In the side yard setback that fronts on a street, height up to six feet shall be allowed beyond 60 feet from the intersection measured from the intersecting extended curb lines. Height within the 60 foot area shall conform to the requirements of a front yard setback.

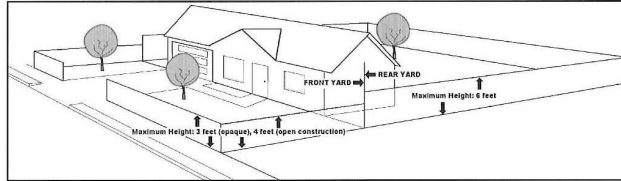
Illustration of a Common 60 Foot Sight Visibility Triangle



- (3) A clear view zone shall be maintained free of fencing, except a see-through fence or a view obscuring fence no higher than three feet in height when a driveway exists on the adjacent lot within ten feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within a triangular area formed by measuring back ten feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right-of-way.

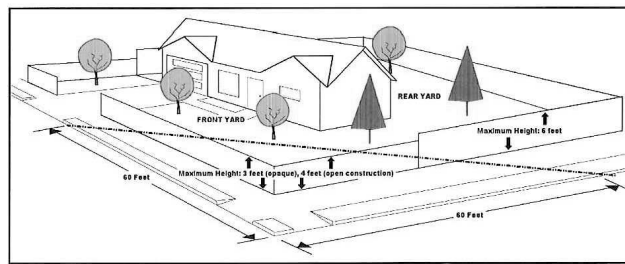


Fence Figure #1. Interior Lot Fence Height Restrictions



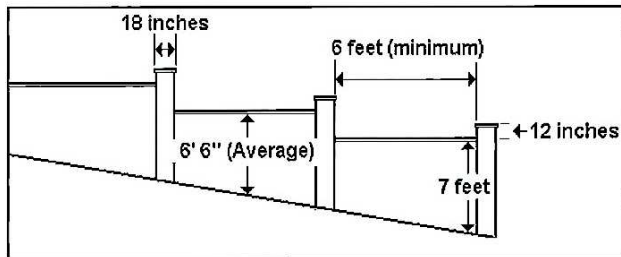
- (4) Heights on the rear yard setback and interior side yard setback shall not exceed six feet, unless otherwise allowed herein.

Fence Figure #2. Corner Lot Fence Height Restrictions



- (d) *Fences on Slopes.* Fences on slopes may be a maximum of seven feet if the average height of such fence is no greater than six feet six inches, unless otherwise allowed herein (see Figure 3).

Figure #3

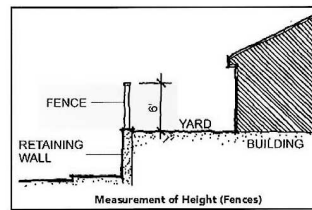


- (e) *Fence Posts, Gate Posts, Pillars, and Support Columns.* Fence posts, gate posts, pillars, and support columns may extend 12 inches above the maximum fence height when separated by at least six linear feet of fencing (see Figure 3). Gate posts may be as close as three feet of each other with no more than one gate per fence frontage. Structures may not exceed 18 inches in diameter or width.

(f) *Measurement of Fence Height.*

- (1) The height of a fence shall be measured from the highest grade.
- (2) The combined height of a fence and retaining wall shall not exceed 11 feet, unless otherwise allowed herein (see Figure 4).

Figure #4



(g) *Approved Fencing Materials.* Acceptable construction materials for fences shall be lumber, vinyl, chainlink, wrought iron, precast concrete panels, concrete block, or other solid durable materials as the Director may approve.

(LDC 2008, § 15A-28-03)

Sec. 21-28-4. Lots Within a Sensitive Area Overlay Zone.

A fence may be built upon a slope greater than 30 percent provided the following conditions are met:

- (1) Fences shall be located only upon areas constituting usable land unless otherwise designed to comply with the Environmental Hazards Element as contained in Section VIII of the General Plan and as approved by the Community Development Department.
- (2) Only dark brown, dark green, or black vinyl coated chainlink fencing shall be allowed in order to blend into the native landscaping.
- (3) The fence shall be built in accordance to this chapter and comply with all restrictions imposed by setbacks, etc., as defined in this title, as well as the Environmental Hazards Element as contained in Section VIII of the General Plan.
- (4) Fencing on hillside lots shall only be approved in conjunction with an approved Landscape Plan in accordance with the Environmental Hazards Element as contained in Section VIII of the General Plan.

(LDC 2008, § 15A-28-04)

Sec. 21-28-5. Fencing; Commercial and Industrial Standards.(a) *Front Yard Fencing.*

- (1) *General Standards.* If a fence is desired between a building and the front property line, decorative iron fences or a combination of decorative iron and brick pillar fences are required. The fence may be a maximum of six feet in height and located immediately behind the front landscape area required by this title for the particular project.

(2) *Corner Lots.* All developments located on corner lots shall be considered to have two frontages. The above fencing restriction shall apply to both frontages with the exception that fences may not encroach into the required sight visibility triangle at the intersection of two streets. Sight visibility triangles are determined by engineering standards as contained in the AASHTO publications. In many cases, a 60-foot sight visibility triangle is sufficient. Sight visibility triangles will increase significantly if the location is on or near the inside of a horizontal curve. Fences in the sight visibility triangle shall be no more than three feet in height above the top of curb. In most cases, said sight visibility triangle shall be measured from the intersection of the extended curb lines back 60 feet in both directions.

(b) *Side and Rear Property Lines.* Fences along side or rear property lines shall not exceed six feet in height measured from the highest elevation on either side of the fence unless otherwise approved by the Director during site plan review up to a maximum of eight feet measured from the highest elevation on either side of the fence.

(c) *Barbed Wire Fences.* Barbed wire and other security wire is allowed on fences on commercial, industrial, business, or civic property for the purpose of maintaining security and preventing property loss and vandalism.

(d) *Temporary Fencing.* Fencing may be allowed on a temporary basis for the purpose of securing property prior to and during development and for special events.
(LDC 2008, § 15A-28-05)

Sec. 21-28-6. Vacant Lots.

For the purpose of this chapter, it shall be presumed that a vacant lot shall contain a minimum front, side, and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be six feet.
(LDC 2008, § 15A-28-06)

Sec. 21-28-7. Barbed Wire.

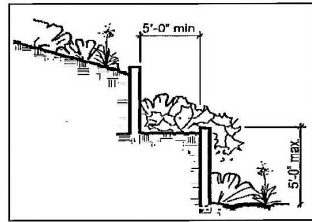
Fences containing strands of barbed wire or other similar fencing designed to prevent intrusions are prohibited unless specifically approved by the Director for public safety, health, or welfare. Such fences may include fencing for farm animals and public utility stations.
(LDC 2008, § 15A-28-07)

Sec. 21-28-8. Retaining Walls.

Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall shall not exceed five feet. For cuts/fills to be retained that exceed five feet, retaining walls shall be stepped and separated horizontally by a minimum of five feet. The uppermost retaining wall may be topped by a fence, wall, or hedge of the height that would otherwise be permitted at the location if no retaining wall existed. The Planning Commission may grant a special exception to this criteria where it can be shown that this provision would cause an unreasonable hardship

to the property (e.g., where the stepping would eliminate the side or rear yard leaving the property owner with a strip of unusable yard space (less than five feet)), or where it may not be practical due to adjoining uses.

Proper retaining wall installation



(LDC 2008, § 15A-28-08)

Sec. 21-28-9. Walls Along Arterial Highways.

Whenever any person, firm, or corporation as a subdivider develops or builds upon any property in Sandy City that is part of a recorded subdivision approved by the Planning Commission after the effective date of the ordinance from which this title is derived or in any previously approved subdivision, and which abuts any arterial street as defined and provided herein, said person, firm, or corporation shall construct and install, at their own expense, a fence or wall as provided hereafter along the back property line of lots abutting said arterial.

- (1) An arterial highway is any public road having a right-of-way, developed or undeveloped, of 84 feet or more, including, but not limited to, the following roads:

State Street	700 East
1300 East	10600 South
2000 East	9000 South
9400 South	11400 South

- (2) The said fence or wall shall be approved by the Planning Commission after review by the Community Development Department, only upon satisfaction of the following criteria:
 - a. Durable or useful life of at least 20 years duration;
 - b. Wind load of at least 80 miles per hour; and
 - c. Maintenance free for at least five years duration.
- (3) In addition to the above requirements, the following shall be satisfied:
 - a. The fence shall be interrupted approximately every 20 to 30 feet by pilasters, columns, jogs in the fence, or other variation in the construction so as to provide a visual breaking point in construction.
 - b. Acceptable construction materials shall not include chainlink, chainlink with slats, picket, or wood fencing.

- c. Anti-graffiti coating shall be required as approved by the Parks and Recreation Department.
 - d. Specific structural design shall be reviewed and approved by the City Engineer.
- (4) A barrier wall, six feet in height (measured from the highest elevation on either side of the wall) except where soil retention is required, may be up to eight feet in height (retaining wall and barrier wall combined). All such walls shall meet design specifications adopted by the Planning Commission.
- (5) An additional landscaped buffer, including sprinkling and water connections, may be required by the Planning Commission between the sidewalk and barrier wall where it is impractical for the barrier wall to abut the sidewalk. The specific width of the buffer and landscaping specifications shall be determined by the Planning Commission, upon recommendation by the Parks Director, at the time of final subdivision review.
- (LDC 2008, § 15A-28-09)

Sec. 21-28-10. Exceptions.

(a) *Sports Court Fencing.* The provisions of this chapter shall not apply to certain other fences such as sports court fences, tennis court backstops, or patio enclosures in the front, side, or rear yards if the Director finds that it meets the following conditions:

- (1) The proposed fence does not create a hazard for the subject property or adjacent properties.
- (2) The proposed fence does not create a violation of other ordinances.

(b) *Additional Height Request.*

- (1) The Director is authorized to approve the installation of a fence up to eight feet in height in the side and/or rear yard of any lot or parcel provided the following conditions are met:
 - a. The Director finds the additional height is justified by the particular circumstances of the property, such as safety, lot configuration, building placement on the lot, topography, and/or negative impacts to the property from adjacent uses.
 - b. The proposed fencing is outside of the 60-foot sight visibility triangle and other clear view zones for corner lots.
 - c. At least two weeks prior to construction of the fence, the affected abutting property owners shall be notified of the intent to build an eight-foot fence. Proof of this notification shall be provided to the Planning Division as part of the building permit application with any response from the abutting property owners.
 - d. A building permit is applied for and approved.
- (2) If the Director so desires, this type of request may be forwarded to the Planning Commission for approval as a special exception.

(LDC 2008, § 15A-28-10; Ord. No. 16-30, 8-20-2016)

Sec. 21-28-11. Fencing Along Canals.

(a) Any parcel being subdivided or developed that is adjacent to or has within its boundaries a canal right-of-way may be required to provide along such right-of-way a fence as determined by the reviewing land use authority.

(b) As an alternative to fencing the canal and with the review and approval of the Public Utilities Department, the developer may pipe the canal. If the canal is piped, the developer must obtain written permission from the canal company and construct the pipe according to the canal company's requirements and specifications.

(c) All fences bordering canals shall be installed as part of the improvements for the subdivision or other development. No occupancy permit, whether temporary or final, shall be granted until all required fencing is installed in the subdivision or development.

(d) Where practical, the fence material and type should be alternated to create an open appearance and avoid a walled-in alley look.

(LDC 2008, § 15A-28-11)

CHAPTER 21-29. ADDRESSING, STREET NAMING, AND DESIGN STANDARDS**Sec. 21-29-1. Purpose.**

This chapter is established to provide a standard system for consecutive and logical numbering of streets and properties to avoid the duplication of street names within Sandy City and Salt Lake County and to avoid similar sounding names or confusing designators. This chapter shall establish standard procedures for changing existing street names or adding names to existing numbered streets, keeping addressing numbers clearly identifiable, and provide a complete current listing of all streets and addresses within Sandy City.

(LDC 2008, § 15A-29-01)

Sec. 21-29-2. Street Naming.

The following standards shall be applied to the naming of streets in the City:

- (1) *Duplication.* Proposed street names that duplicate existing street names in the City or elsewhere in Salt Lake County shall be avoided.
- (2) *Confusion.* Proposed street names that sound very similar to existing names or street names that have unconventional spellings shall be avoided.
- (3) *Continuity.* Proposed street names are encouraged to have the following characteristics:
 - a. Historic significance.
 - b. Local color and sense of place.
 - c. Overall theme.
 - d. Compatibility with adjacent streets.

- (4) *Name Length.* Proposed street names shall not be longer than the typical 17 blank street sign (including spaces between words).
 - (5) *Required Naming.* In order to minimize confusion and to facilitate proper addressing, the following types of proposed streets shall be named:
 - a. Streets that change compass direction.
 - b. Loop or horseshoe streets.
 - c. Streets that have intersection coordinate changes.
 - d. Cul-de-sacs.
 - e. Dead-end streets that will likely be extended as above.
 - (6) *Thoroughfare Designations.* Proposed street names and street types should be matched as follows:
 - a. Boulevard, Parkway: arterials and collectors with planted medians.
 - b. Drive, Road: streets longer than 1,000 feet.
 - c. Way: curvilinear streets longer than 1,000 feet.
 - d. Streets, Avenues: straight directional streets.
 - e. Lanes: short secondary connecting streets.
 - f. Circle, Court, Place, Cove: cul-de-sacs and permanent dead-end streets.
- (LDC 2008, § 15A-29-02)

Sec. 21-29-3. Street Numbering.

All streets and intersections shall have numbered coordinates. On streets that do not conform to the four compass directions, numbered coordinates should be assigned from the axis that most nearly matches the principal direction of the thoroughfare. For simplicity, street numbers shall end with the digit "0" or "5." Private numbering systems shall be avoided.

(LDC 2008, § 15A-29-03)

Sec. 21-29-4. Property Numbering.

The following standards shall be applied to the numbering of properties in the City:

- (1) *Juxtaposition.* Building numbers should be comparable (but not duplicated) on parallel streets and should be in consecutive order.
- (2) *Even-Odd.* Building numbers should be assigned to opposite sides of the street as determined under the Salt Lake Meridian Grid System.
- (3) *Compass Direction.* On streets that do not conform to the four compass directions, building numbers should be assigned from the axis that most nearly matches the principal direction of the thoroughfare.
- (4) *Corner Lots.* Dual addresses on corner lots shall be avoided.

- (5) *Buildings Without Public Frontage.* Buildings that are hidden behind other buildings or do not have public frontage shall be numbered from the centerline of the principal access or driveway.
 - (6) *Commercial, Industrial, and Multifamily.* The Director shall assign numbers to site plans before final site plan approval, based upon the above standards.
 - (7) *Insufficient Numbers.* Where insufficient numbers exist for proper addressing (e.g., buildings without public frontage), a private lane may be assigned a numbered coordinate to facilitate addressing.
- (LDC 2008, § 15A-29-04)

Sec. 21-29-5. Building Identification.

All buildings shall have approved address numbers, and such numbers shall be identified using the following standards:

- (1) *Background.* Numbers shall be set on a background of a contrasting color.
 - (2) *Size.* Numbers shall be Arabic numeral or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch.
 - (3) *Visibility.* Numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property. When a building is some distance from a street or when view of the building is blocked by trees or shrubs, numbers should be displayed on a sign attached to a fence, gate, street mailbox, or lawn stake, in addition to being placed on the building.
 - (4) *Corner Lots.* On corner lots, house numbers should face the street named in the address.
- (LDC 2008, § 15A-29-05)

Sec. 21-29-6. Recordkeeping.

The following standards should be adhered to in maintaining addressing records:

- (1) *Numbers Assigned.* Numbers shall be assigned by the Director or his designated representative.
 - (2) *Inventory.* A complete inventory of existing street names and building numbers shall be compiled and maintained in the Community Development Department.
- (LDC 2008, § 15A-29-06)

Sec. 21-29-7. Procedures.

All proposed street names shall be coordinated with Salt Lake County to avoid duplication. In addition, the following procedures shall be adhered to with new development and proposed changing of street names:

- (1) *Subdivision.* Street coordinates and house numbers shall be assigned by the Director and shall be placed on the final subdivision plat by the developer before plat recordation.

- (2) *Duplicate Street Names.* The City Council may change duplicated street names without a petition when it is determined that the change is in the public interest. The following criteria should be used in eliminating street name duplications:
- a. Historical significance.
 - b. The number of buildings addressed on the street.
 - c. The length of time that the name has been in use.
 - d. The length of the street and the amount of traffic.
 - e. Compatibility with adjacent street names.
- (3) *Changing Existing Street Names.* To change an existing street name, the process for vacating or altering a street or alley shall be followed.
- (4) *Adding Names to Existing Numbered Streets.* To add a name to an existing numbered street, the process for vacating or altering a street or alley shall be followed.
- (5) *Changing Existing Property Numbering.* The changing of an existing property number must be in the public interest. Requests for changes based upon personal reasons, numerology, or superstition will not be approved. Approval of requests for address changes may be made under the following circumstances:
- a. The address on the plat and the building permit do not match.
 - b. The address is out of sequence or not in reasonable juxtaposition with other addresses on the street.
 - c. The address spacing with other addresses is such that it creates confusion.
 - d. The address has an incorrect odd/even designation.
 - e. The address conflicts with an address on a parallel street.
- (6) *Street Name/Number Changes.* When street name/number changes are approved, the City will change its records to conform to the change. Property owners are responsible for notifying other public and private entities of the approved change.
- (LDC 2008, § 15A-29-07)

CHAPTER 21-30. SUBDIVISION REVIEW*

Sec. 21-30-1. Purpose.

- (a) The purposes of this chapter are:
- (1) To promote the health, safety, and general welfare of City residents;
 - (2) To ensure the efficient and orderly development of land;
 - (3) To prevent the uncontrolled division and development of real property;

*State law reference—Subdivisions, U.C.A. 1953, § 10-9a-601 et seq.

- (4) To avoid poorly planned developments that:
 - a. Do not comply with the General Plan or City ordinances;
 - b. Cannot be efficiently served by existing utilities or public services;
 - c. May prove to be dangerous or unsafe;
 - d. May cause an undue burden on existing traffic or transportation services;
 - e. May require the future expenditure of public funds to correct problems caused by the development;
 - f. Restricts the ability of efficient development on adjoining properties;
- (5) To minimize the number of boundary line disputes in the City and eliminate existing property line gaps and property line overlaps;
- (6) To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services;
- (7) To provide design standards:
 - a. For public improvements, facilities and utilities;
 - b. For access to public rights-of-way;
 - c. For the dedication of land and streets deemed necessary for the proper development of the subdivision;
 - d. For easements or rights-of-way that are necessary to service the property.

(b) This chapter is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. To this end, an attempt has been made to outline all subdivision requirements in this chapter and other applicable ordinances and laws. Each parcel of real property is unique. Also, there may be some aspects of subdivision development that cannot easily be articulated, and it's not possible to cover every possible contingency. Therefore, additional reasonable conditions may be imposed as deemed necessary provided that:

- (1) The conditions are not arbitrary or capricious.
 - (2) The conditions are necessary to promote the health, safety, or welfare of the citizens of Sandy.
 - (3) The conditions do not conflict with any applicable law.
- (LDC 2008, § 15A-30-01)

Sec. 21-30-2. Necessity of Subdivision Plat Approval.

(a) *Subdivision Approval Required.* Any division of real property located within the City which conforms to the definition of a subdivision as set forth in this title is subject to the terms of this chapter and must obtain the approval of the City before it may be filed or recorded at the Salt Lake County Recorder's Office.

(b) *Parcels Previously Divided.* Any parcel of property which was originally part of a parcel now being subdivided and/or which was divided off from the parcel being subdivided since July 18, 1960, shall be included in the preliminary plat of the proposed subdivision unless it has already been recorded as part of another subdivision.

(c) *Transfer Before Approval Prohibited.* It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property as defined in this chapter before a final subdivision plat is approved and recorded pursuant to the requirements of this chapter and applicable state law.

(d) *Approval to Amend Plat Required.* It shall be unlawful to amend, vacate, alter, or modify any plat which has already been approved and/or recorded without first receiving City approval.

(e) *Lot Remnants Prohibited.* It shall be unlawful to divide real property in such a way that a parcel of property is created or left behind (lot remnant) that cannot be developed according to the requirements of this title or other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips (other than those allowed by law), parcels created or left for the sole purpose of denying another property owner access to his property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that do not meet the sensitive area requirements of this title, and parcels that do not abut on a dedicated street.

(f) *Lot of Record.* A single-lot subdivision plat is not required prior to development on any parcel of property that was created prior to July 18, 1960, and has remained intact since that date. However, development on the parcel must comply with all regulations of the zone district. Review for necessary improvements from Public Works, Public Utilities, Parks and Recreation, and Community Development Departments shall be required prior to issuance of building permit.

(LDC 2008, § 15A-30-02)

State law reference—Plats required, U.C.A. 1953, § 10-9a-602.

Sec. 21-30-3. Application and Review Process.

(a) *Initial Staff Review.* To help expedite review of a development proposal, prior to submitting an application for subdivision review, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.

(b) *Development Review.* The development proposal shall be reviewed at a Development Review Meeting. At the meeting, the various departments will initially assess the proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, and any other applicable ordinances or codes of Sandy City, and provide some information concerning the City's review requirements and procedures. They will also determine the departments and agencies that will need to review the proposal.

(c) *Application.* An application for subdivision development must be submitted to the Community Development Department and must contain the information and be in the format required by the Subdivision Review Checklist available from the Community Development Department. The application shall include the following:

- (1) General Development Application Form.
- (2) Full size (24-inch by 36-inch) copies of the plat and one 8½-inch by 11-inch reduction to be determined on a case-by-case basis.
- (3) All documents required in this chapter.
- (4) Payment of all applicable fees.
- (5) All necessary documents, reports, maps, etc., as required for developments located within an Overlay Zone or a Planned Unit Development (PUD) Zone.
- (6) The preliminary plat shall be drawn on standard drafting medium to a standardized scale. The scale must be indicated on each sheet, but shall not be less than one inch equals 60 feet.
- (7) The preliminary plat shall contain the following:
 - a. An arrow indicating north drawn on each sheet.
 - b. The proposed name of the subdivision. The subdivision name shall be authorized by the Salt Lake County Recorder's Office.
 - c. The names and addresses of the property owners, the developer, and the engineer or surveyor of the proposed subdivision.
 - d. The names and addresses of current owners of all parcels immediately adjoining the proposed subdivision and the boundary lines of such parcels as may be required by the Director.
 - e. Existing and proposed contours drawn at two-foot intervals. Existing contours shall extend a minimum of 25 feet beyond the property line.
 - f. The boundary lines of the parcel to be subdivided.
 - g. The dimensions and square footage of each lot.
 - h. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided.
 - i. The location and dimensions of existing and proposed farm or garden irrigation systems (including ditches and canals).
 - j. Where the preliminary plat covers only a part of a larger developable area, the plat shall show the location of the subdivision as it forms part of the larger area. A conceptual plan may be required showing a possible future street system and lot layout.
 - k. A Stormwater Drainage Plan, approved by the Public Utilities Department, that is designed to accommodate the water generated by a ten-year storm with 100-year routing.

- l. The location and nature of development within and adjacent to the preliminary plat boundaries. A notation shall be made as to whether or not the existing structures within and adjacent to the plat will remain or be demolished.
 - m. Two copies of the preliminary Grading and Drainage Plan.
 - n. Two copies of the Roadway Plan and profile sheets.
- (8) Tabulations showing:
- a. Total number of acres in the proposed development.
 - b. Total number of lots or buildings sites.
- (9) The following documents shall be included with the application:
- a. An application request for a proposed change to any existing zone boundaries or any zone classification which is necessary for approval of the proposed subdivision.
 - b. Any other documents related to the development that the City may reasonably require.
- (10) Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), where required. For projects that warrant compliance with the UGCP, the SWPPP is to be set up and managed via an internet-based management system.
- (11) Post Construction Storm Water Maintenance Plan, where required.
- (d) *Preliminary Subdivision Review.*
- (1) If, prior to submitting the application for subdivision review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
 - (2) Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the preliminary subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plat, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agencies' standards.
 - a. If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plat of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plat and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - b. Upon resubmittal, the preliminary subdivision plat will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this title and other applicable City and

agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

(e) *Planning Commission Review.*

- (1) When the preliminary subdivision plat has been determined to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review at a public meeting.
- (2) The Planning Commission shall review the plat, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

(f) *Validity of Preliminary Plat Review.*

- (1) Preliminary plat review is valid for two years. The Director may grant two one-year extensions of the preliminary plat provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat review. The Director may hold a public hearing or meeting to consider the proposal prior to his decision.
- (2) If a final plat which covers only a portion of the preliminary plat is recorded within the two-year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Director for one year from the date of recording that final plat.
- (3) If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment to the original preliminary plat.
- (4) The Director may, at his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.

(g) *Final Subdivision Review.*

- (1) After review by the departments, agencies, and Planning Commission, the applicant shall submit a final subdivision plat, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies and Planning Commission to the Community Development Department.
- (2) The following documents and information shall be submitted for final subdivision review:
 - a. Full size (24-inch by 36-inch) copies of the plat, as determined on a case-by-case basis.
 - b. All documents required in this chapter.

- c. Signed and recorded Post-Construction Storm Water Maintenance Agreement, where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
- d. If required to be reviewed by Planning Commission, the applicant shall submit at least 12 full size (24-inch by 36-inch) copies and one reduced copy (8½-inch by 11-inch).
- e. The final plat shall be drawn on a Mylar sheet approved by the Salt Lake County Plat Division.
- f. The final plat shall be drawn with all lines, dimensions, and markings made in waterproof black drawing ink.
- g. The final plat shall be drawn to a standardized scale. The scale shall be indicated on the plat and shall not be less than one inch equals 60 feet.
- h. The final plat shall contain the following:
 1. An arrow indicating north on each sheet.
 2. The name of the subdivision as approved by the Salt Lake County Recorder's Office.
 3. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing and which shall be referenced to two monuments.
 4. The names, widths, lengths, bearings, and curve data of all areas intended for public use.
 5. Lot numbers, approved street names with intersection coordinates as determined by staff, and street addresses of which numbering shall be in accordance with the City street numbering system, as designated by staff.
 6. The bearings, dimensions, and square footage of each lot.
 7. The bearings, dimensions, and locations of all easements within the subdivision.
 8. A Certificate of Survey with a metes and bounds description, the signature of a land surveyor licensed in the State of Utah, and the land surveyor's seal.
 9. An Owners Dedication with signatures from all property owners and others who may have a financial interest in the subdivision acknowledged by a notary public, as required by the Salt Lake County Recorder's Office and Sandy City.
 10. A notice of all covenants, conditions, and other restrictions which may be relevant and applicable to the property contained within the final plat.
 11. A Planning Commission's approval block for the signature of the Planning Commission Chairperson.
 12. A Salt Lake Valley Health Department approval block for appropriate signature.
 13. City Engineer and Public Utilities Department signature blocks.
 14. A City Attorney's approval block for the signature of the Sandy City Attorney.

15. An approval block for the signatures of the Mayor and attestation by the City Recorder.
 16. Other signature approval blocks as may be needed.
 17. All requirements of the Sensitive Area Overlay Zone upon the plat, including, but not limited to, location of known earthquake faults and their respective zones of deformation, hillside slopes greater than 30 percent, etc.
- i. The following documents shall be submitted with the final plat:
 1. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements, and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat. The City may adopt a policy governing additional requirements for construction drawings. All construction drawings shall have the designing engineer's State license seal stamped on all submitted sheets. No final plat shall be approved by the Mayor until the construction drawings have been approved by the City Engineer.
 2. Documents evidencing conveyances or consents from property owners within the subdivision when such are required by law.
 3. Signed and notarized Improvement Agreement and Agreement to Conditions.
 4. A preliminary title report that must coincide with owners' signatures on the final plat.
 5. A guarantee for improvements (bond) to cover improvements as required by the City Engineer. Guarantees acceptable to Sandy City include an escrow bond, letter of credit, and cash bond.
 6. Any other documents the City may require.
 - j. The property must be developed and the improvements constructed in strict compliance with the approved final plat, approved construction drawings, and the Sandy City Standard Specifications and Details for Municipal Construction. Failure to note any improvement required by this chapter on the final plat or the construction drawings shall not eliminate the developer's responsibility to complete those improvements in the subdivision.
- (h) *Final Plat Approval.*
- (1) The Director shall review the final plat and all supporting documents to determine if they are complete and comply with all the requirements of all departments, agencies and the Planning Commission. When the Director makes the determination that the final subdivision plat is complete and complies with all the requirements, the plat will be stamped and signed by the Planning Commission, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Attorney, the Mayor, and each of those whose signature is required by the Utah Code Annotated or elsewhere in this title.
 - (2) The Director shall forward the fully executed final plat to the Mayor for approval.

- (3) The Mayor shall review the application for final plat approval and consider the recommendations of the Planning Commission and shall approve, modify, or deny the plat. The Mayor shall approve the plat if he finds that the final plat and documents comply with all applicable City ordinances. The Mayor shall affix his signature to the final plat upon approval of the plat, which signature shall be attested to by the City Recorder.
- (4) The developer shall pay all applicable development fees as generated by the City Engineer prior to the City releasing the Mylar to be recorded.
- (5) The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to Sandy City prior to the issuance of any building permits:
 - a. One Mylar copy of the recorded subdivision plat (full size 24-inch by 36-inch).
 - b. Four full size copies of the recorded subdivision plat (full size 24-inch by 36-inch).
 - c. One letter size (8½-inch by 11-inch) copy of the recorded subdivision plat.
 - d. An electronic copy of the recorded subdivision plat.

(LDC 2008, § 15A-30-03; Ord. No. 09-13, 5-15-2009; Ord. No. 12-03, 1-27-2012; Ord. No. 15-22, 7-15-2015)

Sec. 21-30-4. Validity of Final Plat Approval.

The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Director may grant two six-month extensions of the final plat provided the final plat still complies with all applicable ordinances.

(LDC 2008, § 15A-30-04; Ord. No. 10-01, 1-26-2010)

Sec. 21-30-5. Changes to Final Plat.

The Community Development, Public Utilities, and Public Works Directors may, in their discretion, approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes are substantially different from the original approval. Changes to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

(LDC 2008, § 15A-30-05)

Sec. 21-30-6. Vacating or Amending a Subdivision Plat; Process.

(a) *Land Use Authority Designation.*

- (1) *Director.* The Director is hereby designated to consider and determine those proposed subdivision plat vacations or amendments which are set forth in Subsection (b)(5) of this section and which are requested by petition of a fee owner of land within the subdivision.

- (2) *Planning Commission.* The Planning Commission is hereby designated to, with or without petition, consider and determine any proposed vacation or amendment of a subdivision plat except those designated in Subsection (a)(1) of this section.
- (b) *Request for Amendment.*
- (1) *Fee Owner May Petition.* Any fee owner of land, as shown on the last county assessment roll, within the subdivision that has been laid out and platted as provided in this title may, in writing, petition the City to have some or all of the plat vacated or amended as provided in this section.
- (2) *Petition Contents.* Each petition to vacate or amend an entire plat or a portion of a plat shall include:
- a. The name and address of all owners of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
 - b. The signature of each of these owners who consents to the petition.
- (3) *Proposal by City.* The City may proposed to vacate or amend a subdivision plat, which shall be considered by the Planning Commission in accordance with the procedures set forth in this section.
- (4) *Requirements for Hearing.* The Planning Commission shall hold a public hearing:
- a. If a petition is filed, within 45 days after the day on which the petition is filed, if:
 1. Any owner within the plat objects in writing to the petition within ten days of mailed notification; or
 2. A public hearing is required because all of the owners have not consented to the petition.
 - b. If the City proposes to vacate or amend a subdivision plat.
 - c. After notice is given in compliance with Section 21-36-5, or its successor.
- (5) *Public Meeting Required.* The public hearing requirement does not apply and an owner's petition to vacate or amend a subdivision plat may be considered at a public meeting if:
- a. The petition seeks to:
 1. Join two or more of the petitioner fee owner's contiguous lots;
 2. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 3. Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
 4. Adjust an internal lot restriction imposed by the local political subdivision on a lot owned by the petitioning fee owner; or
 5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (i) Owned by the petitioner; or

(ii) Designated as a common area; and

- b. Notice has been given to adjacent property owners in accordance with Section 21-36-5, or its successor.

(c) *Request for Plat Amendment Which Includes Public Street, Right-of-Way or Easement.* Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way or easement is also subject to Section 21-30-7.

(d) *Changing the Name of a Recorded Subdivision.*

- (1) The name of a recorded subdivision may be changed by amending the plat as set forth herein and recording the amended plat making the change.
- (2) The new name shall not be a duplicate of another subdivision within Salt Lake County.

(e) *Grounds for Vacating or Changing a Plat.* The land use authority may vacate, alter, or amend the plat or any portion of the plat if it finds that:

- (1) There is good cause for the vacation, alteration, or amendment; and
- (2) No public street, right-of-way or easement has been vacated or amended.

(f) *Preparing the Amended Plat.*

- (1) The surveyor preparing the amended plat shall certify that the surveyor:
- a. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by state law;
 - b. Has completed a survey of the property described on the plat in accordance with state law and has verified all measurements; and
 - c. Has placed monuments as represented on the plat.
- (2) If an exchange of title is approved under Subsection (b)(5) of this section, the petitioner shall not be required to file an amended plat map but shall comply with Section 21-30-8, or its successor.
- (3) If the vacation or amendment of the subdivision is approved after compliance with the requirements set forth herein, the Planning Commission and the Mayor shall sign the amended plat showing the vacation or amendment.
- (4) The City shall ensure that the amended plat showing the vacation or amendment, and the City Council resolution, where required, is recorded in the office of the Salt Lake County Recorder's Office.

(LDC 2008, § 15A-30-06; Ord. No. 12-03, 1-27-2012)

State law reference—Vacating, altering or amending subdivision plat, U.C.A. 1953, § 10-9a-608 et seq.

Sec. 21-30-7. Vacating a Street, Right-of-Way, or Easement; Within a Subdivision or Not Within a Subdivision.

(a) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

(1) The name and address of each owner or record of land that is:

- a. Adjacent to the public street, right-of-way, or easement; or
 - b. Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement;
- and

(2) The signature of each owner under Subsection (a)(1) of this section who consents to the vacation.

(b) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the City Council shall hold a public hearing in accordance with Section 21-30-6 and determine whether:

- (1) Good cause exists for the vacation; and
- (2) Neither the public interest nor any person will be materially injured by the proposed vacation.

(c) The City Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the City Council finds that:

- (1) Good cause exists for the vacation; and
- (2) Neither the public interest nor any person will be materially injured by the vacation.

(d) If the City Council adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the City Council shall ensure that one or both of the following is recorded in the office of the County Recorder:

- (1) A plat reflecting the vacation; or
- (2) An ordinance described in Subsection (c) of this section.

(e) The action of the City Council vacating some or all of a public street, right-of-way, or easement that has been dedicated to public use:

- (1) Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street, right-of-way, or easement; and
- (2) May not be construed to impair:
 - a. Any right-of-way or easement of any lot owner; or
 - b. The franchise rights of any public utility.

(LDC 2008, § 15A-30-06.5; Ord. No. 12-03, 1-27-2012)

State law reference—Vacating, altering or amending subdivision plat, U.C.A. 1953, § 10-9a-608 et seq.

Sec. 21-30-8. Property Line Adjustments (Exchange of Title).

(a) *Standards.* Owners may adjust property lines between adjacent parcels that are described by either a metes and bounds description or a recorded plat, by exchanging title to portions of those parcels after approval if:

- (1) No new dwelling lot or housing unit results from the property line adjustment.
- (2) The adjoining property owners consent to the property line adjustment.
- (3) The property line adjustment does not result in remnant land that did not previously exist.
- (4) The adjustment does not result in violation of applicable zoning requirements.

(b) *Application.* The owners shall file an application requesting a property line adjustment together with all required documents.

(c) *Director Review.* The Director shall act as the land use authority and, in accordance with the procedures set forth in Section 21-30-6(b)(5), review all the documents to determine if they are complete, and that they comply with the requirements set forth above. If the Director determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Director will approve the property line adjustment.

(d) *Notice of Approval and Conveyance of Title.* After approval by the Director, the applicant shall:

- (1) Prepare a Notice of Approval which:
 - a. Is executed by each owner included in the exchange;
 - b. Is executed by the Director;
 - c. Contains an acknowledgment for each party executing the notice as required by state law for real property;
 - d. Recites the description of both the original parcels and the parcels created by the property line adjustment.
 - (2) Record a deed which conveys title as approved.
 - (3) Record the Notice of Approval.
- (LDC 2008, § 15A-30-07; Ord. No. 12-03, 1-27-2012)

Sec. 21-30-9. Required Subdivision Improvements and Procedures.

(a) The following improvements are mandatory in all subdivisions and shall be installed by the developer in accordance with the Sandy City Standard Specifications and Details for Municipal Construction:

- (1) Street paving (including proper road base).
- (2) Curbs, gutters, and sidewalks.
- (3) Drive approaches for each lot.
- (4) Culinary water systems.

- (5) Sanitary sewer systems.
- (6) Surface water runoff drainage systems.
- (7) City survey monuments.
- (8) Permanent markers to identify lot corners (as required by Sandy City Engineering).
- (9) Utilities (overhead and underground as required by this title).
- (10) Street lighting system.
- (11) ADA ramps.

(b) The City may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:

- (1) Fire hydrants.
- (2) Subsurface water drainage systems.
- (3) Bridges.
- (4) Fencing and barrier walls.
- (5) Grading.
- (6) Retaining walls.
- (7) Landscaping and/or streetscape.
- (8) Public facilities.
- (9) Open space and/or trails.
- (10) Piping, relocating, or abandoning irrigation ditches.
- (11) Engineered footings.
- (12) Extending and constructing roads, water lines and sewer lines beyond the boundary of the subdivision.
- (13) Flood control system.
- (14) Regulatory signs.
- (15) Any other improvements as may be required by the City based upon approvals.

(c) In determining the particular needs of the subdivision and in determining whether any of the improvements specified in Subsection (b) of this section should be required in a particular subdivision, the City shall consider, among other things:

- (1) The requirements of the International Building Code, International Residential Code, International Fire Code, City ordinances, and the Urban Wildland Interface Code.
- (2) The topography of the property, the type of soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the City's Storm Water Drainage Master Plan.

- (3) The extent to which the proposed subdivision causes or contributes to the need for the improvement.
- (4) The need for the improvement to protect the health, safety, and welfare of residents of the subdivision and the community at large.
- (5) The types of development and uses adjacent to the subdivision.

(d) The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed subdivision causes or contributes to the need for off-site improvements but the developer is not required to install them, the City may impose an impact fee as allowed by law, or may otherwise require financial contribution pursuant to written agreements between the City and the developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which will also contribute to the need for the improvements, pay impact fees, or be party to such agreements. The fees or the monies collected pursuant to agreements shall be used towards the costs of installing the improvements.

(e) All required improvements shall be completed and pass City inspections within two years of the date the subdivision is approved or at a date to be determined by the City.

(f) All subdivision improvements shall be completed by qualified contractors in accordance with the Sandy City Standard Specifications and Details for Municipal Construction (latest edition). No work may be commenced on public improvements without first obtaining approval.

(g) Unless otherwise authorized by the Director, no building permit for any structure may be issued until the final plat has been recorded and the following subdivision improvements have been installed:

- (1) Street paving (including all weather surface, which is two inches minimum asphalt depth on approved road base), unless otherwise approved by the City Engineer and Fire Marshal based upon weather constraints.
- (2) Curb, gutter, and sidewalk.
- (3) Permanent markers to identify lot corners.
- (4) Operational fire hydrants (unless otherwise approved by the Fire Marshal).
- (5) Water lines and facilities (tested and approved) and sewer line facilities.
- (6) Storm drainage facilities.

(h) When installing any of the subdivision improvements, the developer and contractors shall be required to keep all paved streets, sidewalks, and gutters within or outside the subdivision, free from any debris, trash, mud, or dirt from the project. Upon notification by the City of a violation of this provision, the developer and/or contractors shall have the affected areas cleaned within 24 hours. If he fails to do so, the City may clean the affected areas with the developer providing reimbursement to the City for all costs incurred. Exception: Small mounds of dirt placed over the curb, gutter, and sidewalk may be placed during the initial construction phase of the home to protect said improvements from damage. However, this exception does not release the developer or his successors from the requirement to keep the street clean and free of mud and debris.

(i) The requirement to install public improvements (e.g., curb, gutter, sidewalk, etc.) may be waived by the Planning Commission for properties with design restraints. Cause for such waivers shall be noted on the plat.

(j) No final subdivision plat shall be recorded until the developer of the subdivision has clearance of all property taxes owed upon the parcels to be dedicated to the City and tendered the guarantee and entered into an agreement with the City in which the developer agrees to install the improvements as required by this title and agrees to indemnify and hold the City harmless from any claims, suits, or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

(LDC 2008, § 15A-30-08; Ord. No. 14-29, 9-28-2014)

Sec. 21-30-10. Improvements Installation Priority.

(a) Underground utilities, service lines, storm drainage facilities, water system, sewer system including laterals, shall be installed and approved prior to the installation of any other street improvements, unless the Public Utilities Director or the appropriate governing body waives this requirement in writing.

(b) All new sewer lines shall be inspected by the appropriate sewer district.

(c) All new water lines and/or connections shall be inspected by the Public Utilities Department.

(d) All new storm drain facilities shall be inspected by the Public Utilities Department and/or Public Works Department.

(e) All new street lights shall be inspected by the Public Utilities Department.

(LDC 2008, § 15A-30-09)

Sec. 21-30-11. Costs of Improvements.

The developer shall pay for all costs of designing, purchasing, installing, warranting, and otherwise providing the improvements required by this chapter.

(LDC 2008, § 15A-30-10)

Sec. 21-30-12. Street Dedication.

Unless previously dedicated, declared a private street, or located within a planned unit development, the developer shall dedicate to the City the full width of all street rights-of-way on the final plat; provided, however, that in cases where a proposed street in the subdivision parallels undeveloped property where no street currently exists and evidence is provided showing that the owner of the abutting property has no intention of developing it within the near future, and as may be recommended by the City Engineer and approved by the Planning Commission and Mayor, the Mayor may waive the full width dedication requirement and allow the dedication of a lesser width if he finds that it promotes the public interest.

(LDC 2008, § 15A-30-11)

Sec. 21-30-13. Penalties.

(a) Any plat of a subdivision filed or recorded without the approvals required by this chapter is void.

(b) Any owner or agent of the owner of any land who transfers or sells any land before a plan or plat of the subdivision has been approved and recorded as required in this chapter is guilty of a violation of this chapter for each lot or parcel transferred or sold.

(c) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this chapter.

(LDC 2008, § 15A-30-12)

Sec. 21-30-14. Reasonable Diligence.

The review for application completeness, substantive application review and determination of whether improvements or warranty work meets standards shall be done in accordance with the standards set forth in the Municipal Land Use, Development, and Management Act, Part 5 Land Use Ordinances (U.C.A. 1953, § 10-9a-509.5)

(LDC 2008, § 15A-30-13)

CHAPTER 21-31. CONDOMINIUM DEVELOPMENT*

Sec. 21-31-1. Purpose and Applicability.

It is the purpose of this chapter and the policy of the City to establish standards and procedures for review of all condominium development within the City. Such provisions shall supplement zoning, site development, subdivision, health, building or other ordinances which may be applicable to the project, and shall apply to the approval of projects involving new construction, as well as projects involving the conversion of existing structures.

(LDC 2008, § 15A-31-01)

Sec. 21-31-2. Application and Review Process.

(a) *Development Review.*

(1) To help expedite review of a development proposal, prior to submitting an application for a condominium project, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.

(2) Staff may request the applicant to attend a Development Review Meeting. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance

*State law reference—Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq.

with the provisions of the appropriate regulations of this title, the International Building Code and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.

- (3) Staff members may request that additional studies or information (e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses) be submitted together with the application for a condominium project.

(b) *Application.* The owner or developer who desires to build a new residential condominium project or office/commercial/warehouse condominium project shall first submit to the Planning Division an application which shall include, but not be limited to, the following and shall include as many copies as the Planning Division determines to be sufficient for its staff and the Planning Commission to evaluate the project:

- (1) General Development Application Form.
- (2) Condominium Plat. A condominium plat accurately drawn to scale in conformance with the provisions of state law, prepared by a land surveyor registered in the State of Utah. The scale of said condominium plat shall be no smaller than one inch equals 50 feet.
- (3) Site Plan. A site plan prepared to the same scale as the condominium plat designating the location of buildings, the intended use of the common areas, and the location and extent of storage, recreational facilities, parking, driveways, pedestrian ways, and information showing floor plans and elevations, together with all information required by this Code for site plan review.
- (4) Subdivision Requirements. All documents and information required by this title for subdivision review.
- (5) Names and Addresses. Names and addresses on mailing labels of property owners within 300 feet of the proposed project obtained from the Salt Lake County Recorder's Office.
- (6) Property Plat. A property plat from the Salt Lake County Recorder's Office showing the area to be developed.
- (7) Fees. Fees as established by the City Council.

(c) *Preliminary Review*

- (1) Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the condominium plat shall be forwarded to the reviewing departments and agencies to be reviewed preliminarily to determine if the plat, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agency standards, including site plan review, subdivision review and use requirements.
- (2) If the departmental and agency reviews determine that all required, necessary and requested information has not been submitted or that some of the specifics of the plat or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plat of any deficiencies, comments, corrections, and requirements (including additional

information and/or studies) to be addressed. The revised plat and all required, necessary, and requested supporting information must be resubmitted after the appropriate additions and corrections are made in order to complete the application.

- (3) Upon resubmittal, the condominium plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission. The applicant shall be required to resubmit the plat and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this title and other applicable City and agency standards.

(d) *Planning Commission Review.*

- (1) When the condominium plat has been determined by the Community Development Department to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review. If required by other provisions of this title or state law, the Planning Commission shall review it at a public hearing with appropriate notice preceding the review.
- (2) The Planning Commission shall review the plat, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation and to review compliance with all requirements of this title. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

(LDC 2008, § 15A-31-02)

Sec. 21-31-3. Validity of Preliminary Plat Review.

(a) The preliminary plat review is valid for two years. The Planning Commission may grant a one-year extension of the preliminary plat provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat review.

(b) If a final plat which covers only a portion of the preliminary plat is recorded within the two-year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.

(c) If the developer desires to change the grade or location of streets within the condominium project, or desires to increase the number of units in the project, or substantially alters the original condominium concept or design as determined by the Director, a revised preliminary plat must be submitted to the Planning Commission for review.

(d) The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of units in the condominium project, to make minor boundary changes, or to make other minor changes without requiring that the revised preliminary plat be reviewed by the Planning Commission.

(LDC 2008, § 15A-31-03)

Sec. 21-31-4. Final Plat Review and Approval.

(a) After review by the departments, agencies, and the Planning Commission, the applicant shall submit to the Community Development Department a final condominium plat and a declaration of condominium, together with all supporting documents which comply with all statutes, ordinances, requirements, corrections, additions, etc., required by the departments, agencies, and the Planning Commission.

- (1) The Community Development Department, along with the other reviewing departments and agencies, shall review the condominium plat and supporting information to determine compliance with all requirements, corrections, additions, etc. The owners of land included on the plat, including, but not limited to, additional land, convertible land, withdrawable land, convertible space, and contractible land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate and shall obtain the approval of the following agencies and officers, entered in writing on the plat by the designated officers and agencies:
 - a. The owner or operator of the underground and utility facilities.
 - b. The City's Department of Public Utilities, City Engineer, Planning Commission, other departments as applicable, and City Attorney's Office.
 - c. The Mayor for final approval, which signature shall be attested to by the City Recorder.

(b) The developer shall pay all applicable development fees prior to the City releasing the Mylar to be recorded.

(c) The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to Sandy City prior to the issuance of any building permits:

- (1) One Mylar copy of the recorded condominium plat (full size 24-inch by 36-inch).
- (2) Four copies of the recorded condominium plat (full size 24-inch by 36-inch).
- (3) One letter size (8½-inch by 11-inch) copy of the recorded condominium plat.
- (4) One copy of the recorded Declaration.

(LDC 2008, § 15A-31-04)

Sec. 21-31-5. Validity of Final Plat Approval.

The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Planning Commission may grant one-year increment extensions of the final plat provided the final plat still complies with all applicable ordinances.

(LDC 2008, § 15A-31-05)

Sec. 21-31-6. Changes to Unrecorded Final Plat.

The Community Development, Public Utilities, and Public Works Directors may, in their discretion, approve minor changes to approved final plats before the plat is recorded. The types of minor changes

contemplated by this section would include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes to be substantially different from the original approval. Changes to recorded final plats shall be in accordance with state law and any policies or procedures adopted by the City.

(LDC 2008, § 15A-31-06)

Sec. 21-31-7. Convertible Space; Administrative Approval.

The Director may approve the conversion of space within an existing structure if the space was labeled on the recorded condominium plat as convertible space and it is proposed to be converted into one or more units or common areas and facilities. The developer shall submit an amended or supplemental condominium plat and declaration of condominium and all other documents required by the Utah Condominium Ownership Act. The Director must determine that the proposal is in compliance with all previously established requirements, conditions, limitations and regulations and is in compliance with all provisions of this title.

(LDC 2008, § 15A-31-07)

Sec. 21-31-8. Minimum Standards Required.

The following are the minimum standards for a condominium project:

- (1) All condominium units within a development shall be separately metered for gas and electricity.
- (2) Each unit shall be provided with readily accessible individual shut-off valves or switches for water, gas, and electrical services.
- (3) Each condominium unit shall be equipped with its own heating system.
- (4) The Public Utilities Department shall determine the appropriate number of meters. Water service billings shall be billed to the Association.
- (5) Each condominium project shall conform in all respects to the current Sandy City Water Policy.
- (6) Sewer service shall be coordinated with respective sewer improvement districts.
- (7) If the condominium project contains private streets, paths, or roadways, provisions shall be made for public utility easements over the entire private street, path, or roadway network. The City may also require public utility easements over other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines, irrigation systems, and similar public improvements and utilities. The City may also require access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas of the project.
- (8) Each owner and the Association shall have an easement for entry upon any privately-owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area.

- (9) All other requirements for the uses within the project (e.g., mixed use, PUD, commercial, office etc.).
(LDC 2008, § 15A-31-08)

Sec. 21-31-9. Condominium Conversion Standards for Existing Occupied Buildings.

An unregulated condominium conversion of existing occupied buildings may have deleterious effects upon an occupant prior to a conversion since the seller and the buyer may not fully appreciate or understand the implications of condominium living and ownership. The specific purposes of this section are:

- (1) To establish the requirements for approval for a conversion of existing occupied multifamily rental housing to residential condominiums and existing occupied commercial office buildings to commercial use condominiums.
- (2) To establish building safety criteria for condominium conversion projects by requiring conformance to the City's Building Codes and other development standards.
- (3) To ensure that condominium developments have adequate living space, open space, parking and recreation areas.
- (4) To establish the standards and criteria for the geographical layout of a condominium project.
(LDC 2008, § 15A-31-09)

Sec. 21-31-10. Application and Review Process for Condominium Conversions.

(a) *Compliance with All Requirements for Condominium Development.* Proposals for the conversion of existing occupied residential or commercial projects shall comply with all requirements for the development of new residential or commercial condominium projects set forth above.

(b) *Additional Requirements.* In addition to the application, review, and approval requirements for new condominium projects, the following information will be required for a condominium conversion:

- (1) *Property Report and Plan.* A property report containing the information specified in this section shall be submitted as part of the application, together with a plan for all proposed improvements and repairs. Such plan and report shall be prepared and certified by a civil engineer or a general engineering contractor licensed by the State of Utah. The owner or developer shall submit a Report of Property Condition which is intended to ensure that the standards of the declaration appropriately address existing and future conditions relating to maintenance and operation. The property report shall contain the following information:
 - a. The age of the buildings.
 - b. Condition of structural elements, including roof, foundation, mechanical system, electrical system, plumbing system, and boiler or furnace.
 - c. Size of water service line from the meter to the individual unit.
 - d. Size of sewer lateral and sewer lines from each unit.
 - e. Capacity of electrical service for each unit (amps).

- f. Condition of paving material on private streets.
- g. Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc.
- h. Condition of paint and/or exterior surfaces of all buildings and structures.
- i. All known conditions constituting deficiencies.
- j. All known conditions which may require repair or replacement within the next succeeding five-year period.
- k. The report shall also contain a statement of disclosure containing all information pertinent to any failure of the building to meet the requirements of the current Building Code, Fire Code and this title.

(2) *Report of Building Official.*

- a. At the time of submission of an application for the conversion of any existing occupied buildings, the Chief Building Official, Fire Marshal, or his designee, shall make an inspection of the proposed condominium project to determine compliance with the life safety provisions of the International Building Code and the International Fire Code, which shall be used to implement the provisions of this subsection.
- b. Prior to Planning Commission preliminary review of a condominium project involving a conversion of existing occupied buildings, the Chief Building Official and Fire Marshal shall submit a Property Inspection Report to the Director specifying any deficiencies of life safety standards of the International Building Code and the International Fire Code which are found to exist in the project. This report shall be submitted to the Planning Commission as an element of the Property Report and Plan.

(c) *Final Approval.*

- (1) All proposals for the conversion of existing occupied residential or commercial projects into residential or commercial condominium projects shall comply with all requirements set forth above for the final review of a new condominium development project.
- (2) In addition, the following information and inspections are required prior to final review for a condominium conversion:
 - a. Proof that all utility bills are current at the time of conversion.
 - b. Prior to any final approval for the conversion of an apartment building or a commercial building to a condominium project, the building must conform to the life safety requirements as found in the International Building Code, the International Mechanical Code, the National Electrical Code, the International Plumbing Code, the International Fire Code and the Life Safety Code, as currently in effect in Sandy City.
 - c. Prior to final approval, the developer shall request and the Chief Building Official shall cause final inspections of all buildings and structures and work therein to be made to determine conformance with the International Building Code, the International Fire Code and other applicable codes and ordinances.

(LDC 2008, § 15A-31-10)

CHAPTER 21-32. SITE PLAN REVIEW**Sec. 21-32-1. Purpose.**

(a) The site plan review process is established in order to assure that all new development proposed for Sandy City will comply with all zoning and development standards as provided in this title. The general appearance of buildings and structures and the improvement of land shall contribute to an orderly and harmonious appearance and a safe and efficient development. Site plan approval as described in this chapter shall also be required for issuance of a conditional use permit, where required.

(b) Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements outlined elsewhere in this title, the International Building Code, Uniform Fire Code, or any more restrictive provisions of covenants, agreements, or other ordinances or laws.

(c) It is not the purpose of this chapter that design should be so rigidly controlled so as to stifle creativity or individual expression. Rather, it is the intent of this chapter that any control exercised be the minimum necessary to achieve the objectives as stated above.

(LDC 2008, § 15A-32-01)

Sec. 21-32-2. Application and Review Process.

(a) *Requirement.* Site plan review shall be required for the following:

- (1) All proposed new development, except for one- and two-family residential dwellings.
- (2) All plans for earth-sheltered dwellings.
- (3) Modified site plan review shall be required as hereafter described for all changes in existing structures or sites, except for one- and two-family residential dwellings.
- (4) Issuance of a conditional use permit, where required.

(b) *Development Review.*

(1) *Initial Staff Review.* To help expedite review of a development proposal, prior to submitting an application for site plan review, persons interested in undertaking development may meet informally with members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.

(2) *Development Review.*

- a. If requested by staff, persons interested in undertaking development shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, the Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
- b. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to

the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.

- (3) *Planning Commission Review.* Planning Commission review may be required if indicated by a specific section of this title. The Director or the Development Review Meeting staff may require review of a site plan by the Planning Commission.
- (4) *Additional Information Requirements.* Staff members may request that additional studies or information (e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses) be submitted together with the application for site plan review.

(c) *Application.* An application for development that requires site plan review must be submitted to the Community Development Department and must contain the information and be in the format required by the Site Plan Review Checklist available from the Community Development Department. The application must include the following:

- (1) General Development Application Form.
- (2) Site plan.
- (3) Landscaping and Irrigation Plan.
- (4) Architectural building elevations.
- (5) Grading and Drainage Plan.
- (6) Utility Plan.
- (7) Road Plan and profiles.
- (8) Other studies and analyses requested by staff or the Planning Commission that may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
- (9) Adjacent property information.
- (10) Names and addresses of property owners within 300 feet of the proposed project on mailing labels from the Salt Lake County Recorder's Office (when required by staff).
- (11) Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
- (12) Fees as established by City Council.
- (13) Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), where required. For projects that warrant compliance with the UGCP, the SWPPP is to be set up and managed via an internet-based management system.
- (14) Post Construction Storm Water Maintenance Plan where required.

(d) *Preliminary Site Plan Review.*

- (1) If, prior to submitting an application for site plan review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
- (2) Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the site plan shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agencies' standards.
 - a. If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary, and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - b. Upon resubmittal, the site plan will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this title and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

(e) *Planning Commission Review.*

- (1) When preliminary review of the site plan has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required.
- (2) The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
- (3) If preliminary review is required by the Planning Commission and no substantial action has occurred within two years, the application shall expire.

(f) *Final Site Plan Review.*

- (1) After review by the departments, agencies, and Planning Commission, if required, the applicant shall submit a final site plan, together with all supporting documents that comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission to the Community Development Department.

- (2) The Community Development Department, along with the other reviewing departments and agencies, shall review the site plan and supporting information to determine compliance with all requirements, corrections, additions, etc.
- (3) A signed and recorded Post-Construction Storm Water Maintenance Agreement shall be submitted with the final plan set where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.

(g) *Site Plan Approval.*

- (1) When the Director makes the determination that the final site plan is complete and complies with all the requirements, the plan will be stamped and signed by the Community Development Director, the Planning staff member handling the review, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Transportation Engineer and, if required, the Parks and Recreation Department staff member handling the review.
- (2) Once signed by all appropriate City departments, the site plan, civil drawings, and landscape/irrigation plans, along with the Agreement to Conditions, shall be signed by the developer. All site plan sets, improvement guarantees, improvement agreements, and the Agreement to Conditions must be signed by the same person or entity.
- (3) In addition to the above, any required items not previously submitted, including any required dedication documents, fees, improvement guarantees, and improvement agreements, must be submitted at this time before a building or construction permit may be issued.
- (4) A copy of the approved signed site plan, civil drawings, landscape/irrigation plans, and approved building plans shall be kept on the construction site at all times.
- (5) A grading permit may be issued prior to the issuance of a building permit with the approval of the City Engineer, together with a guarantee in an amount to be determined by the City Engineer.
- (6) Once the final site plan sets have been signed, development fees paid, and the guarantee for improvements is in place, a building permit may be issued to begin construction.

(LDC 2008, § 15A-32-02; Ord. No. 15-22, 7-15-2015)

Sec. 21-32-3. Amendments to the Final Site Plan.

After final approval of a site plan, any minor changes must be approved in advance by the Director. Further, the Director is authorized to approve only minor changes regarding the location, siting, or character of buildings and structures that have been made necessary by technical or other circumstances not foreseen at the time the final site plan was originally approved. All other changes in use or rearrangement of lots, blocks, buildings, tracts or groupings, or any changes in the provision of common open space and other change as noted above shall be made by the Director only after a recommendation by the appropriate staff member. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final site plan was approved. Any changes to the

final site plan must be recorded as amendments in accordance with the procedure established for adopting the final site plan. The Director is not authorized to approve changes that may cause any of the following:

- (1) Change in the use or character of the development.
 - (2) An increase in the overall density or intensity of use.
 - (3) A significant increase in the overall coverage of the site by structures.
 - (4) A reduction of approved open space or proposed amenities.
 - (5) A reduction of required off-street parking.
 - (6) A significant alteration to pedestrian, vehicular and bicycle, circulation, and utility networks.
 - (7) A reduction in required street pavement widths.
- (LDC 2008, § 15A-32-03)

Sec. 21-32-4. Failure to Begin and Continue Development.

- (a) Building permits shall not be issued until final site plan approval is granted.
 - (b) If no substantial construction has occurred in a development that has been granted final site plan approval pursuant to the provisions of this title within one year from the date of granting of such approval, the final site plan shall expire.
 - (c) The Director may extend the period during which any final site plan approval may be valid for a period not to exceed 12 months.
- (LDC 2008, § 15A-32-04)

Sec. 21-32-5. Conformance to Transportation Engineering Standards.

In reviewing the site plan, the Transportation Engineer shall apply engineering standards as contained in the Manual of Uniform Traffic Control Devices, the American Association of State Highway and Transportation Officials publications and City requirements. No site approval shall alter, amend, or modify such engineering standards. To ensure conformance with the above standards, the Director and Planning Commission shall consult with the Transportation Engineer.

(LDC 2008, § 15A-32-05)

Sec. 21-32-6. Guarantee for Improvement.

A Guarantee for Improvement in favor of the City is required in an amount sufficient to assure compliance by the applicant with the requirements of the approved site plan.

(LDC 2008, § 15A-32-06)

Sec. 21-32-7. Occupancy of the Structure.

Occupancy of the structure shall be permitted only after all final inspections have been made by the Building and Safety Division and the Fire Department to assure compliance with all Building and Safety,

Fire and Life Safety Codes relating to the development. In addition, all requirements of the approved site plan must also be completed prior to occupancy or a Guarantee for Improvement must have been given to the City to assure completion of all required items.

(LDC 2008, § 15A-32-07)

Sec. 21-32-8. Requirements for Changes to Existing Structures and Sites (Modified Site Plan Review).

- (a) *Requirements.* Modified site plan review shall be required for the following:
 - (1) Proposed changes to an existing building, e.g., increasing the building's exterior dimensions compared to the original approved building footprint or height.
 - (2) Proposed use change to previously developed property.
 - (3) Proposed site change to previously developed property (e.g., additional paved areas for drive-ways, parking or storage, regrading and repaving of existing paved areas, etc.).
 - (4) Other proposed changes to a previously developed building or property, as determined by staff.
- (b) *Review Procedure for Changes to Existing Structures and Sites.*
 - (1) *Initial Staff Review.* Prior to submitting an application for modified site plan review and to help expedite review of a development proposal, persons desiring to modify a previously developed building or property, as set forth herein, may meet informally with the Community Development Department staff to obtain information regarding the development standards for the zone in which the project is located and to obtain information regarding the process of reviews and approvals.
 - (2) *Development Review.* The development proposal shall be reviewed at a Development Review Meeting. At the meeting, the various departments will initially assess the proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, and any other applicable ordinances or codes of Sandy City, and provide some information concerning the City's review requirements and procedures. They will also determine the departments and agencies that will need to review the proposal.
 - (3) *Planning Commission Review.* Planning Commission review may be required if required by a specific section of this title. The Director or the Development Review Meeting staff may require review of a site plan by the Planning Commission.
 - (4) *Additional Information Requirements.* Staff members may request that additional studies or information (e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses) be submitted together with the application for site plan review.
 - (5) *Application.* An application for development that requires modified site plan review must be submitted to the Community Development Department and must contain the information and be in the format required by the Modified Site Plan Review Procedures and Standards available from the Community Development Department. The application must include the following, as determined by staff:
 - a. General Development Application Form.

- b. Site plan.
 - c. Landscaping and Irrigation Plan.
 - d. Architectural building elevations.
 - e. Grading and Drainage Plan.
 - f. Utility Plan.
 - g. Road Plan and profiles.
 - h. Other studies and analyses requested by the staff or Planning Commission that may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
 - i. Adjacent property information.
 - j. Names and addresses on mailing labels from the Salt Lake County Recorder's Office of property owners within 300 feet of proposed project (when required by staff).
 - k. Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
 - l. Fees as established by the City Council.
 - m. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), where required. For projects that warrant compliance with the UGCP, the SWPPP is to be set up and managed via an internet-based management system.
 - n. Post-Construction Storm Water Maintenance Plan, where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
- (6) *Preliminary Review Process.*
- a. Upon submittal of an application and supporting information and review at a Development Review Meeting, the modified site plan shall be forwarded to the reviewing departments and agencies, as determined at the meeting, who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agencies' standards.
 - b. If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and/or requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary, and requested supporting information must be resubmitted after the appropriate additions and corrections are made in order to complete the application.
 - c. Upon resubmittal, the modified site plan will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant

shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine the submittal is complete and complies with the requirements of this title and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

(7) *Planning Commission Review (If Required).*

- a. When the review of the modified site plan has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required.
- b. The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts are necessary to address and may establish additional requirements to address anticipated impacts

(8) *Final Reviews and Approval.*

- a. The final modified site plan shall be reviewed by City departments and other agencies to determine its completeness and compliance with all requirements, corrections, additions, etc.
- b. When the Community Development Department makes the determination that the final modified site plan is complete and complies with all the requirements, the plan will be stamped and signed by the Director, the Planning staff member handling the review, the Chief Engineer of the Public Utilities Department, the City Engineer, the City Transportation Engineer and, if required, the Parks and Recreation Department.
- c. Once signed by all appropriate City departments, the site plan, civil drawings, and landscape/irrigation plans, along with the Agreement to Conditions, shall be signed by the developer. All site plan sets, Agreements to Conditions, Improvement Guarantees and Improvement Agreements must be signed by or in the name of the same person or entity.
- d. In addition to the above, any required items not previously submitted, including any required dedication documents, fees, improvement guarantees, and improvement agreements, must be submitted at this time before a building or construction permit may be issued.
- e. A copy of the approved, signed site plan, civil drawings, and the landscape/irrigation plans shall be kept on the construction site at all times with the approved building plans.
- f. A grading permit may be issued prior to the issuance of a building permit with the approval of the City Engineer, together with a guarantee in an amount to be determined by the City Engineer.

- g. A signed and recorded Post-Construction Storm Water Maintenance Agreement shall be submitted with the final plan set where required. The agreement is to be recorded after completion of the project. For residential development, the agreement shall be referenced in and recorded with the restrictive covenants of the Homeowners' Association.
- (9) *Building Permit.* Once the final site plan sets have been signed, development fees paid, and the guarantee for improvements is in place, a building permit may be issued to begin construction. (LDC 2008, § 15A-32-08; Ord. No. 15-22, 7-15-2015)

CHAPTER 21-33. CONDITIONAL USE PERMIT*

Sec. 21-33-1. Purpose.

The purpose of conditional uses is to allow a land use that, because of its unique characteristics or potential impact on the City, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts or, if the detrimental impacts or effects cannot be mitigated or eliminated, to prohibit such use. (LDC 2008, § 15A-33-01)

Sec. 21-33-2. Application and Review Process.

A conditional use permit is required for all uses listed as conditional uses in each zone district or elsewhere in this title. No person or entity shall operate or conduct a use designated as a conditional use within the applicable zone district without first obtaining a conditional use permit. Applications for a conditional use permit are required to comply with all requirements of this chapter for review and approval, including the requirements for a building permit, site plan, or subdivision approval procedures and any other applicable requirements of this title, including, but not limited to, guarantees. The Director shall determine when an application is complete.

- (1) *Development Review.*
 - a. To help expedite review of a conditional use proposal, prior to submitting an application for a conditional use permit, interested persons may meet informally with the Community Development Department to become acquainted with the substantive and procedural requirements of this title.
 - b. If requested by staff, persons proposing a conditional use shall attend a Development Review Meeting. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code and any other applicable ordinances or codes of Sandy City; suggest possible means of mitigating or eliminating any detrimental impacts or effects; and provide information concerning the City's review requirements and procedures.

*State law reference—Conditional uses, U.C.A. 1953, § 10-9a-507.

- c. Staff members may request that additional studies or information, such as geotechnical studies, traffic impact analyses, market feasibility analyses, noise impact analyses, or water needs analyses, be submitted together with the application for conditional use review.
- (2) *Application.* The property owner or authorized agent thereof shall submit the following, as determined necessary by staff:
 - a. A general development application, together with all required information for a conditional use permit.
 - b. A general development application, together with all information required for site plan review (where site plan review is required) or subdivision review (where subdivision review is required).
 - c. Sufficient information to demonstrate that the general and specific requirements and standards of this title will be met by the construction and operation of the proposed building, structure, or use.
 - d. Plats, plans and/or drawings drawn to scale showing the location and dimensions of buildings, streets, and other improvements on or near the subject property that may be affected by the proposed use and showing the nature and extent of those effects.
 - e. Fees established by City Council.
 - (3) *Preliminary Review.* Upon submittal of a conditional use application and supporting information, it shall be reviewed by staff to determine if it is complete and complies with all requirements of this title. If the proposed conditional use also requires site plan or subdivision review, it shall proceed through the preliminary review process as set forth for those applications.
 - (4) *Planning Commission Review.*
 - a. When preliminary review of the conditional use and site plan or subdivision (if required) have been determined to be complete and in compliance with all requirements, the applications, together with all supporting information, will be forwarded to the Planning Commission for review at a public meeting. The Director or Planning Commission may schedule it to be reviewed at a public hearing when, and if, they determine it appropriate.
 - b. The Planning Commission shall review the applications including all information to determine if the general standards have been complied with, and/or all impacts and detrimental effects have been addressed and to receive public input, when required, concerning detrimental impacts or effects and their mitigation or elimination. Additional studies/analyses may be required to enable the Planning Commission to determine what detrimental impacts or effects need to be addressed, and the Planning Commission may establish additional conditions to address them.
 - (5) *Final Review.* If the Planning Commission grants a conditional use permit and establishes additional requirements and conditions, the applicant shall submit all necessary documents that comply with all the ordinances, requirements, corrections, additions, conditions, etc., to the Community Development Department to determine compliance.

(LDC 2008, § 15A-33-02)

Sec. 21-33-3. General Standards for Conditional Uses.

No conditional use may be approved unless the proposed use complies with the applicable provisions of this title, State and Federal law; and the following standards that apply to all conditional uses:

- (1) *Equivalent to Permitted Use.* Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those that could reasonably be expected to arise from a use that is permitted in the district:
 - a. The health, safety, and welfare of the City and its present and future inhabitants and businesses.
 - b. The prosperity of the City and its present and future inhabitants and businesses.
 - c. The morals, peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses.
 - d. The tax base.
 - e. Economy in governmental expenditures.
 - f. The State's agricultural and other industries.
 - g. The urban and non-urban development.
 - h. Access to sunlight for solar energy devices.
 - i. Property values.
 - (2) *Impact Burden.* Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the City, surrounding neighbors, or adjacent land uses.
 - (3) *Conform to the Objectives of the General Plan.* The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight, or injure property values.
- (LDC 2008, § 15A-33-03)

Sec. 21-33-4. Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.
- (2) Proposed site ingress and egress to existing and proposed roads and streets.
- (3) The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.
- (4) Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.
- (5) Site circulation patterns for vehicular, pedestrian and other traffic.

- (6) Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.
- (7) The location and design of all site features, including proposed signage, lighting, and refuse collection.
- (8) The provision of useable open space, public features, and recreational amenities.
- (9) Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts.
- (10) Measures directed at minimizing or eliminating possible nuisance factors, including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- (11) Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife, and plant life.
- (12) The regulation of operating hours for activities affecting normal schedules and functions.
- (13) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.
- (14) Measures to assure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.
- (15) Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this title.

(LDC 2008, § 15A-33-04)

Sec. 21-33-5. Determination.

A conditional use permit shall be approved if conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth herein. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth herein, the conditional use permit may be denied.

(LDC 2008, § 15A-33-05)

Sec. 21-33-6. Modification or Revocation.

All approvals of conditional use permits are conditional upon additional reviews, after the use has been established, to determine if the actual detrimental impacts and effects have been mitigated or eliminated to meet the general standards set forth herein and to evaluate whether they continue to be effective in doing so. If the use does not meet the general standards, additional conditions may be imposed to achieve compliance. The Planning Commission, on its own motion or upon a staff recommendation or after receipt of an applicant's request, may hold a hearing upon the question of modifi-

cation or revocation of a conditional use permit granted under or pursuant to the provisions of this section. The Planning Commission may modify the conditions under which the conditional use was granted or revoke the conditional use permit if the Commission finds:

- (1) The actual detrimental effects or impacts are greater than anticipated.
 - (2) The permit was obtained by misrepresentation or fraud.
 - (3) The use for which the permit was granted has now ceased for at least six consecutive calendar months.
 - (4) One or more of the conditions of the permit have not been met.
 - (5) The holder or user of the conditional use permit has failed to comply with any City, State or Federal law governing the conduct of the use.
 - (6) The holder or user of the conditional use permit has failed to construct or maintain the site as shown on the approved plan.
 - (7) One or more of the general standards have not been met.
- (LDC 2008, § 15A-33-06)

Sec. 21-33-7. Building Permit.

After the Community Development Department determines that the documents, information, site plan (where required) or subdivision plat (where required) comply with all the requirements established by the departments, agencies, Planning Commission, and this chapter, the Director may approve an application for a building or other permit or business license for those uses that do not require construction.

(LDC 2008, § 15A-33-07)

Sec. 21-33-8. Expiration.

A conditional use permit shall expire and become null and void if the permit has not been implemented by the recipient within one year of the date of approval. The permit shall be considered implemented if the recipient either engages or participates in the conditional use or completes substantial construction on the project for which the permit was granted. The Community Development Department may grant a maximum of two extensions of up to six months each if it finds that the use, with the conditions previously imposed by the Planning Commission, will still be in compliance with the general standards. If the Department finds that the use no longer complies with those standards, the recipient may request that the Planning Commission review the request for an extension. The Planning Commission may grant a maximum of two extensions of up to six months each if it finds that the use, with the conditions previously imposed, or with the imposition of additional conditions, will still be in compliance with the general standards.

(LDC 2008, § 15A-33-08)

Sec. 21-33-9. Conditional Use Appeals.

All appeals from decisions of the Planning Commission regarding conditional use permits shall be reviewed by the Board of Adjustment.
(LDC 2008, § 15A-33-09; Ord. No. 16-15, 3-28-2016)

CHAPTER 21-34. ANNEXATION*

Sec. 21-34-1. Criteria for Review and Acceptance.

(a) The proposed annexation area shall substantially comply with the requirements of state law currently in effect or as it may be amended.

(b) The proposed annexation area shall substantially comply with the policies established by the General Plan to the extent that it may address the same, unless determined otherwise by the City Council. Any failure to comply therewith will not invalidate any action taken by the City Council or create a cause of action.
(LDC 2008, § 15A-34-01)

Sec. 21-34-2. Procedures for Annexation.

(a) The procedure for annexation into Sandy City shall substantially comply with those set forth in state law currently in effect or as it may be amended.

(b) The Community Development Department may establish forms and procedures for applications/petitions for annexation to Sandy City in addition to those set forth by state law.

(c) The fee for annexation shall be set by resolution of the City Council.
(LDC 2008, § 15A-34-02)

Sec. 21-34-3. Appeals.

An appeal of the City Council's decision to annex shall be filed only in accordance with the provisions of the Utah Code Annotated as are currently in effect or as may be amended.
(LDC 2008, § 15A-34-03)

CHAPTER 21-35. APPEALS AND VARIANCES†

Sec. 21-35-1. Appeals.

(a) *Administrative Appeal Required.* As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge the land use authority's decision, in accordance with these ordinances.

*State law reference—Annexation, U.C.A. 1953, § 10-2-401 et seq.

†State law reference—Appeals and variances, U.C.A. 1953, § 19-9a-701 et seq.

(b) *Authority.* The appeal authorities set forth in this title act in a quasi-judicial manner and as the final arbiter of issues involving the interpretation or application of land use ordinances.

(c) *Who May Appeal.* The applicant, the City, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided in this title, appeal that decision to the designated appeal authority by alleging that there is an error in any order, requirements, decision, or determination made by the land use authority in the administration or interpretation of this title. In the event that the land use authority requires that a matter return to it for further review, an appeal can only be made on a decision made after that further review.

(d) *Time for Appeal.* Except as provided in U.C.A. 1953, § 10-9a-704, an appeal of a decision of a land use authority to an appeal authority must be filed in writing with the Community Development Department within ten calendar days of the date the land use authority issues a written decision or approval of the minutes of a meeting at which the decision was made, if applicable, whichever occurs first.

(e) *Information to be Presented.*

- (1) An appellant must first present any and all information to the land use authority which it intends to raise before the appeal authority. The appellant may not bring new information for consideration before the appeal authority that had not been previously presented to the land use authority during its consideration of the matter.
- (2) An appellant must present to the designated appeal authority every theory of relief that it can raise in District Court.
- (3) No new information that was not previously presented to the land use authority may be presented on appeal.

(f) *Review of the Record of the Land Use Authority.*

- (1) The appeal authority's review of decisions of a land use authority shall be confined to the administrative record developed by the land use authority unless the appeal authority determines that the record is incomplete or deficient.
- (2) If the appeal authority determines that the record is incomplete or deficient, it may review the matter de novo.

(g) *Burden of Proof.* The appellant has the burden of proving that the land use authority erred.

(h) *Standard of Review.*

- (1) *Legal Issues; Correctness Standard.* The appeal authority shall determine the correctness of a decision of the land use authority or administrative official in its interpretation and application of a land use ordinance. Because no specialized knowledge is necessary to make such a determination, no deference is given to the land use authority or administrative official; provided, however, the appeal authority shall not overrule that decision as a matter of law without the advice of its legal counsel.

(2) *Factual Issues and Other Issues; Arbitrary and Capricious Standard.* Land use authorities and administrative officials have specialized knowledge in the field of planning and land use and are charged with and are experienced in implementing the goals and policies of the community as adopted by and under the supervision of elected representatives of the public. Accordingly, they should be allowed a comparatively wide latitude of discretion; and their actions endowed with a presumption of correctness and validity which an appeal authority should not interfere with unless it is shown that there is no reasonable basis to justify the action taken, and that, therefore, the determinations made were so unreasonable as to be arbitrary and capricious. It is not the appeal authority's prerogative to substitute its judgment for that of the land use authority where the record discloses a reasonable basis for the land use authority's determination.

(i) *Scope of Authority.* Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

(j) *Effective Date of Appeal Authority Decision.* A decision of an appeal authority takes effect:

(1) *Board of Adjustment.* At the meeting in which the decision is made.

(2) *Other Appeal Authorities.* On the date when the appeal authority issues a written decision or approval of the minutes of the meeting at which the decision was made, if applicable, whichever comes first.

(LDC 2008, § 15A-35-01; Ord. No. 16-05, 2-5-2016)

Sec. 21-35-2. Variances.

Variances shall be governed by U.C.A. 1953, § 10-9a-702.

(LDC 2008, § 15A-35-02)

Sec. 21-35-3. District Court of Review of Decision.

(a) Any person adversely affected by a final decision made in the exercise of or in violation of the provisions of this chapter may file a petition for review of the decision with the District Court within 30 days after the land use decision is final.

(b) No person may challenge in District Court the City's land use decision made under this chapter or under a regulation made under authority of this title, until that person has exhausted their administrative remedies as provided herein and in the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.), if applicable.

(c) The filing of a petition in the District Court and its review shall be governed by the provisions of the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.).

(LDC 2008, § 15A-35-03)

State law reference—District court review, U.C.A. 1953, § 10-9a-801 et seq.

CHAPTER 21-36. NOTICE REQUIREMENTS***Sec. 21-36-1. Applicant Notice; Waiver of Requirements.**

(a) For each land use application the City shall:

- (1) Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
- (2) Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
- (3) Notify the applicant of any final action on a pending application.

(b) If the City fails to comply with the requirements of Subsection (a)(1) or (2) of this section, or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

(LDC 2008, § 15A-36-01)

State law reference—Similar provisions, U.C.A. 1953, § 10-9a-202.

Sec. 21-36-2. Third-Party Notice.

(a) For those sections of these ordinances that require notice to adjacent property owners, the City shall:

- (1) Mail notice three days before the public hearing or public meeting to the record owner of each parcel within 300 feet of the property that is subject of the hearing; or
- (2) Post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby.

(b) The mailed notice to third party property owners under Subsection (a)(1) of this section shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property.

(LDC 2008, § 15A-36-02)

State law reference—Third party notice, U.C.A. 1953, § 10-9a-203.

Sec. 21-36-3. General Plan.

See U.C.A. 1953, §§ 10-9a-203 and 10-9a-204.

Sec. 21-36-4. Zone District Map and Land Development Code.

See U.C.A. 1953, § 10-9a-205.

***State law reference**—Notice requirements, U.C.A. 1953, § 10-9a-201 et seq.

Sec. 21-36-5. Subdivision Regulations.

(a) *Subdivision Regulations Consideration.*

- (1) The Planning Commission shall hold a public hearing to consider and recommend to the City Council proposed ordinances regulating the subdivision of land or amendments thereto after notice is given as set forth below.
- (2) After the Planning Commission has forwarded the proposed ordinances regulating the subdivision of land or amendments thereto and its recommendation to the City Council, the Council shall consider each proposed ordinance regulating the subdivision of land or amendment thereto at a public meeting after notice is given as set forth below.

(b) *Notice Required.* The City shall give notice of the date, time and place of the first public hearing to consider the adoption or modification of subdivision ordinances and shall give each notice of each public meeting on the subject.

(c) *Public Hearing Notice.* Each notice of a public hearing to consider ordinances that regulate the subdivision of land within the City or amendments shall be:

- (1) Mailed to each affected entity at least ten calendar days before the public hearing;
- (2) Posted:
 - a. Published in a newspaper of general circulation in the area at least ten calendar days before the public hearing; or
 - b. Mailed at least three days before the public hearing to:
 - 1. Each property owner whose land is directly affected by the subdivision ordinance change; and
 - 2. Each adjacent property owner within 300 feet of the land that is directly affected by the subdivision ordinance change.

(d) *Public Meeting Notice.* Each notice of a public meeting to consider ordinances that regulate the subdivision of land within the City or amendments shall be at least 24 hours before the meeting and shall be posted:

- (1) In at least three public locations within the City; or
- (2) On the City's official website.

(LDC 2008, § 15A-36-05)

Sec. 21-36-6. Subdivision Plats and Amendments.

See U.C.A. 1953, § 10-9a-207.

Sec. 21-36-7. Condominium Plats and Amendments.

If required by other provisions of this title or state law, the Planning Commission shall consider a condominium plat at a public hearing and comply with the noticing requirements therein. If a public hearing is not required, the Planning Commission shall consider the condominium plat at a public meeting.

(LDC 2008, § 15A-36-07)

Sec. 21-36-8. Street Vacations, Alteration, Amendments or Closure (not within a subdivision plat).

See U.C.A. 1953, § 10-9a-208.

Sec. 21-36-9. General Notice Requirements.

For those sections of these ordinances which require public hearings or public meetings for which the notice requirements are not specified, notice shall be as follows:

- (1) *Application Concerning Specific Parcel of Property; Notice of Public Hearing.* For an application that concerns a specific parcel of property, the City shall provide notice of the date, time and place of a public hearing that is:
 - a. Posted not less than three calendar days before the public hearing in at least three public locations within the City or on the City's official website;
 - b. Mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel directly affected by the application and of each parcel within 300 feet of that property; or
 - c. Posted not less than three calendar days before the public hearing, on the property to which the application pertains, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (2) *Application Not Concerning Specific Parcel of Property; Notice of Public Hearing.* For an application that does not concern a specific parcel of property, the City shall provide notice of the date, time and place of a public hearing that is posted not less than three calendar days before the public hearing in at least three public locations within the City or on the City's official website.
- (3) *Notice for Public Meetings.* The City shall provide notice of a public meeting at least 24 hours before the meeting that shall be posted in at least three public locations within the City or on the City's official website.

(LDC 2008, § 15A-36-09)

Sec. 21-36-10. Notice Challenge.

See U.C.A. 1953, § 10-9a-209.

(LDC 2008, § 15A-36-10)

CHAPTER 21-37. DEFINITIONS**Sec. 21-37-1. General Definitions and Terms.**

(a) This chapter provides definitions of all land uses and general terms used throughout this title for which a definition is considered necessary. All land uses allowed by right or by conditional use permit are defined herein. Some land uses shown on the table and in the definitions are categorical, and many potentially allowable specific land uses are assumed to be included in the categorical definitions. In the event of a question as to which category an undefined land use may fall, the Director shall make a final determination.

(b) For the purposes of this title, certain words and terms are hereby defined as follows: words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words in the singular includes the plural; the plural includes individuals, partnerships, corporations, clubs, or associations. The following words and terms, when applied in this title, shall carry full force when used interchangeably: lot, plot, parcel, premises or site; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct erect, alter (structurally or otherwise), but not the term maintenance. The term "used" shall be deemed also to include designed, intended, or arranged to be used.

(LDC 2008, § 15A-37-01)

Sec. 21-37-2. "A" Definitions.

(1) *AASHTO* means American Association of State Highway and Transportation Officials.

(2) *Abandoned well* means a well, the use of which has been permanently discontinued or is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.

(3) *Accessory apartment* means a housing unit which is self-contained but incorporated within an existing structure that is designed as a single-family dwelling and will not substantially alter the structure or the appearance of the structure.

(4) *Accessory structure, accessory building*, means a detached, incidental subordinate building customarily incidental to and located upon the same lot occupied by the main use or building. Detached garages, sheds, workshops, and barns are examples of accessory structures.

(5) *Accessory use* means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use.

(6) *Acreage*.

a. *Gross* means overall total exclusive of deductions.

b. *Net* means the total remaining after all deductions are made.

(7) *ADA* means American Disability Act (42 USC 12101 et seq.).

(8) *Adult day care*. See *Human services programs or facilities*.

(9) *Affected entity* means a county, municipality, local school district, special service district under the Special Service District Act (U.C.A. 1953, § 17D-1-101 et seq.), school district, interlocal cooperation entity established under the Interlocal Cooperation Act (U.C.A. 1953, § 11-13-101 et seq.), specified public utility under the Municipal Land Use, Development, and Management Act (U.C.A. 1953, § 10-9a-101 et seq.), a property owners association, or the Utah Department of Transportation, if:

- a. The entity's services of facilities are likely to require expansion or significant modification because of an intended use of land;
- b. The entity has filed with the City a copy of the entity's General or Long-Range Plan; or
- c. The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under this title.

(10) *Agriculture* means the tilling of the soil, raising of crops, horticulture, gardening, and beekeeping, but not including the keeping or raising of animals or fowl and not including any agricultural industries or businesses, packing plants, fur farms, animal hospitals, plant nurseries, or similar uses or sale of farm or garden products not produced on the premises. (See *Farm animals*.)

(11) *Alcohol or tobacco specialty store*.

- a. The term "alcohol or tobacco specialty store" means a commercial establishment that, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of alcohol and/or tobacco products, and any one or more of the following factors:
 1. The sale of alcohol or tobacco products accounts for more than 35 percent of the total annual gross receipts for the establishment, except as allowed within this title such as alcoholic beverage state liquor store and alcoholic beverage package agency; or
 2. Twenty percent or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; or
 3. Twenty percent or more of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of tobacco products; or
 4. If less than 80 percent of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of other items, products and merchandise unrelated to tobacco products; or
 5. The retail space features a self-service display for tobacco products (as defined in Utah State Code); or
 6. The name of the business or marketing of the business evidences the establishment as a retail alcohol or tobacco specialty store.
- b. For the purposes of this definition, the term "tobacco product" means:
 1. Any cigar, cigarette, chewing tobacco, or electronic cigarette as defined in Utah State Code.
 2. Any substitute for a tobacco product, including flavoring, or additives to tobacco; and
 3. Tobacco paraphernalia as defined in Utah State Code.

(12) *Alcoholic beverage establishments* means:

- a. *Club, dining.* A club that has dining, and which operates under a dining club license issued by the Utah Department of Alcoholic Beverage Control.
- b. *Club, equity.* A club that is owned by its members and run by a board of directors elected by the members, such as a country club, and which operates under an equity club license issued by the Utah Department of Alcoholic Beverage Control.
- c. *Club, fraternal.* A mutual benefit or patriotic association that is organized under a lodge system, and which operates a fraternal club license issued by the Utah Department of Alcoholic Beverage Control.
- d. *Club, social.* A general purpose club, which includes a nightclub, in which a variety of food is available and which operates under a social club liquor license issued by the Utah Department of Beverage Control.
- e. *Hotel license.* Available on a limited basis from the Utah Department of Alcoholic Beverage Control consisting of a general license and three or more sublicenses. One sublicense must be a restaurant license, and one must be an on-premises banquet license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Beverage Control.
- f. *Manufacturing license.* Manufacturing licenses include brewery, distillery, and winery licenses. A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. A distillery license is required to manufacture, store, transport, import or export liquor. A winery license is required to manufacture, store, transport, import and export wines.
- g. *Off-premises beer retailer license.* An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.
- h. *On-premises banquet and catering license.* An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.
- i. *On-premises beer tavern license.* An on-premises beer tavern license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters, where the revenue from the sale of beer exceeds the revenue of the sale of food. Minors are not permitted on the premises of a tavern.
- j. *On-premises recreational beer retailer license.* An on-premises beer retailer license is required for the sale of beer at retail for on-premises consumption for establishments that are tied to a "recreational amenity," as defined by the Utah Department of Beverage Control.

- k. *Package agency.* A retail liquor location operated under a contractual agreement with the Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell packaged liquor for consumption off the premises of the agency.
 - l. *Reception center license.* A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. Its primary purpose must be leasing its facility to a third party for the third party's event.
 - m. *Resort license.* Resort licenses are required for the storage, sale, service, and consumption of alcoholic beverages on the premises of a resort building that has at least 150 dwelling or lodging accommodations, and the building must be at least 400,000 square feet. The resort building must be affiliated with a ski area that abuts the resort building premises.
 - n. *Restaurant, beer only license.* A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size not to exceed two liters capacity, in conjunction with an order of food.
 - o. *Restaurant, full service license.* Restaurant liquor licenses are required for the storage, sale, service, and consumption of beer and liquor beverages on the premises of a restaurant that is engaged primarily in serving meals to the general public. Also known as a full service restaurant.
 - p. *Restaurant, limited service license.* Limited service restaurant liquor licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public.
 - q. *Single event permits.* A single event license allows the licensee to sell and allows the on-premises 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 Alcoholic Beverage Control.
 - r. *State liquor store.* A facility for the sale of package liquor that is located on the premises owned or leased by the State and is operated by a State employee. The term "State liquor store" does not include a package agency, a licensee, or a permittee.
 - s. *Temporary beer event permits.* Temporary beer event permits are required to sell beer for on-premises 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 Alcoholic Beverage Control.
- (13) *Alley* means a public or private way permanently reserved as a secondary means of access to abutting property not intended for general traffic circulation.

(14) *All-terrain vehicle (ATV)* means any motorized, off-road vehicle 50 inches or less in overall width, having a dry weight of 800 pounds or less, designed to travel on three or more low pressure tires.

(15) *Alteration* means any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure such as walls, partitions, columns, beams, girders, or exits.

(16) *Alternative healing and energy healing business* means energy therapy, energy healing, spiritual therapy, or spiritual healing (including, but not limited to, Rapid Eye Technology, Reiki, Reflexology, Shiatsu, Thai, Qigong, etc.), and is a business devoted primarily to spiritual healing and other related practices, and is not regulated by the State of Utah and is not a sexually oriented business. For purposes of this title, an alternative healing and energy healing business may be performed in a licensed hospital or medical clinic.

(17) *Alzheimer's facility* means a nursing care facility or assisted living facility whose primary purpose is to provide living accommodations and services to residents who have been diagnosed with Alzheimer's disease or other type of dementia.

(18) *Ambulatory surgical facility*. See *Health care facilities*.

(19) *Ancillary commercial* means a commercial use conducted on the same lot as the primary commercial use of the structure or property to which it is related; a commercial use which is clearly incidental to and customarily found in connection with such primary commercial use.

(20) *Ancillary use* means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use.

(21) *Animal hospital, veterinary office*, means an establishment at which small, medium, or large farm animals or household pets are treated or boarded within a completely enclosed building, and the boarding of animals is limited to short-term care incidental to the animal hospital/veterinary office use.

(22) *Animal, household pets*, means household pets, including dogs, cats, rabbits, ducks and chickens, on a non-nuisance basis for family use only (noncommercial) with cages, pens and coops, etc.

(23) *Animal kennel, commercial*, means an establishment boarding, breeding, raising, treating, or training small, medium, or large farm animals or household pets for commercial gain.

(24) *Antenna* means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and nondirectional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations; and exterior apparatus designed for telephone, radio or television communications through the sending and/or receiving of wireless communications signals.

(25) *Apartment*. See *Dwelling, multiple-family*.

(26) *Applicant* means the person who applies for a permit, license, or other right under section 21-11-25.

(27) *Aquarium* means an establishment where aquatic collections of living organisms are kept and exhibited.

(28) *Arcade* means an establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games, and similar recreational diversions within an enclosed building. (Additional reference: Sandy City Entertainment Arcade Ordinance.)

(29) *Area of special flood hazard* means the land in the floodplain within Sandy City subject to a one percent or greater chance of flooding in any given year.

(30) *Art gallery* means an establishment engaged in the exhibition and sale of artworks. The term "art gallery" does not include the sale of art supplies or other raw materials used in the creation of artwork.

(31) *Artist's studio* means the location where artwork is created. Examples include, but are not limited to, painting, clay sculpting and firing, engraving, etc.

(32) *Assisted living facility*:

- a. The term "assisted living facility" means a residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personnel and health care services, available 24 hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
 1. Specified services of intermittent nursing care.
 2. Administration of medication.
 3. Support services promoting residents' independence and self-sufficiency.
- b. An assisted living facility does not include:
 1. A residential facility for persons with a disability (defined elsewhere in this chapter).
 2. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.
- c. Assisted living facilities are broken down into two classes:
 1. *Limited capacity assisted living facility* means a facility accommodating not more than four residents, excluding staff. All residents must be ambulatory, which means a person who is capable of achieving mobility sufficient to exit a structure without the assistance of another person. Adult day care shall not be provided as part of the facility. (See definition under *Human services*.)
 2. *Large capacity assisted living facility* means a facility accommodating more than four residents, excluding staff. Adult day care may be approved separately as provided elsewhere.

(33) *Athletic club*. See *Recreation, indoor or outdoor*.

(34) *Auto, light trucks, RV dealerships (new), sales and service agencies*, means the use of any building, land area, or other premises or portion thereof, for the display or sale of new automobiles, light trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

(35) *Auto, light trucks, RV dealerships (used), sales and service agencies*, means the use of land for the display or sale of used automobiles, light trucks or vans, trailers, or recreational vehicles.

(36) *Auto, light trucks, RV, rental and leasing agencies*, means a building or a tenant space in a multi-tenant building that provides automobile rental services. The facility may have on-site or off-site storage of vehicles to be rented. No servicing of vehicles shall occur on-site. The term "auto, light trucks, RV, rental and leasing agencies" does not include vehicle sales, the rental of equipment, car washes, vehicle maintenance facility, inoperable vehicle storage, or impound lot.

(37) *Automotive self-service station* means an establishment for the retail sale of automobile fuels and lubricants at which the customer provides the service to his own vehicle, and no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

(38) *Automotive service and repair, major*, means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine parts, provided it is conducted within a completely enclosed building.

(39) *Automotive service and repair, minor*, means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, tune-ups, safety inspections and emission testing, detailing shops, windshield repair, overhaul and transmission work, provided it is conducted within a completely enclosed building.

(40) *Automotive service, non-mechanical*, means an establishment engaged in safety inspections and emission testing, detailing shops, and windshield repair, provided it is within a completely enclosed building.

(41) *Automotive service station* means an establishment whose primary purpose is the selling of gasoline or other vehicle fuels and oil and lubricant services. Accessory activities may include minor automotive repair and maintenance, car wash service, and food sales.

(42) *Auto, truck, recreational vehicle, and equipment sales or rental* means sales or rental of both new and used motor vehicles and equipment from indoor or outdoor areas, but not to include nonserviceable or junk vehicles or equipment.

(43) *Auto, truck, recreational vehicle, and equipment storage* means temporary outside storage of both new and used motor vehicles and equipment awaiting distribution. Such storage may include an impound lot, but is not to include nonserviceable, junk, or dilapidated vehicles or equipment.

(44) *Average percent of slope* means the rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot.

(45) *Awning* means a roof-like covering of canvas, or the like, often adjustable, over a window door, etc., to provide protection against the sun, rain, snow, and wind. Said awning is attached to the vertical wall and has an architecturally compatible color and design with the structure.

(LDC 2008, § 15A-37-02; Ord. No. 10-03, 2-19-2010; Ord. No. 10-12, 4-20-2010; Ord. No. 10-30, 8-8-2010; Ord. No. 12-30, 8-20-2012; Ord. No. 13-13, 6-5-2013; Ord. No. 16-13, 3-23-2016; Ord. No. 17-09, 3-9-2017; Ord. No. 18-22, § 1(15A-37-02), 8-30-2018; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-3. "B" Definitions.

(1) *Back-loaded garage* means a subservient (secondary or de-emphasized) detached parking structure designed for access from an approved alley way or private street.

(2) *Balcony* means a covered or uncovered platform usually projecting from a wall or an entrance to a building, sometimes being surrounded by a railing, balustrade, or parapet.

(3) *Bar*. See *Alcoholic beverage establishments*.

(4) *Base flood* means a flood having a one percent change of being equaled or exceeded in any given year.

(5) *Base station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of the term "base station" does not include or encompass a pole as defined herein or any equipment associated with a tower. The term "base station" does include, without limitation:

- a. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed personal wireless services and fixed personal wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(6) *Basement* means that portion of a building that is partly or completely below grade.

(7) *Basement house* means a one-story dwelling where more than 25 percent of the floor area is below the finished surface grade at the front yard level.

(8) *Beacon light*. See *Search light*.

(9) *Bed and breakfast facility* means a limited commercial activity conducted within a structure, which includes dining and bathroom facilities with sleeping rooms, on a residential scale for short-term guest rental. Said use will typically provide overnight accommodations, limited food services, parking facilities, and open space in a natural setting, and will comply with standards and procedures as set forth in this title.

(10) *Best management practices (BMPs)* means a practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

(11) *Billboard* means a sign which directs the attention to a business, product, service, or entertainment conducted, sold, or offered off-premises.

(12) *Birthing center*. See *Health care facilities*.

(13) *Block* means land or group of lots surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

(14) *Boarder* means a person living in a rented room in a boardinghouse. The boardinghouse operator, or a member of his immediate family who resides on the premises with the operator, shall not be deemed a boarder.

(15) *Boardinghouse* means a single-family dwelling where more than two, but fewer than six, rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

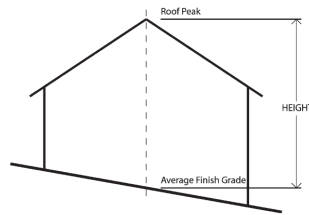
(16) *Botanical gardens* means a public or private facility for the demonstration and observations of the cultivation of flowers, fruits, vegetables, or ornamental plants.

(17) *Buildable area* means the portion of a lot or site, exclusive of required setbacks, or landscaping, within which a structure may be built.

(18) *Building* means any structure, whether permanent or temporary, including, but not limited to, dwelling units which are designed, intended, or used for occupancy by any person, animals, possessions, or for storage of property of any kind.

(19) *Building Code* means either the International Building Code or the International Residential Code (as applicable to the type of construction) which covers the fire, life, and structural safety aspects of all buildings and related structures (as adopted and amended by the State of Utah).

(20) *Building height* means the vertical distance from the average finished grade surface of the building to the highest point of the coping of a flat roof, to the top of a mansard roof, or the top of the ridge for a gable, hip, or gambrel roofs.



(21) *Building line* means the line circumscribing the buildable area of a lot.

(22) *Building, main*, means a building in which the principal use of the site is conducted.

(23) *Building, temporary*, means a building used for the storage of construction materials and equipment incidental and necessary to on-site construction of houses, utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction. A permit is required from the Building Inspector.

(24) *Build-to lines* means setback distances which bring structures adjacent to streets and sidewalks in order to encourage pedestrian activity and safety.

(25) *Business License Administrator* means the individual who performs regulatory administration of Title 15 and any applicable federal, state, County and local laws.

(26) *Business License Division* means the Business License Office of the Community Development Department.

(27) *Business or financial services* means an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service, but not including medical, dental, chiropractor or other arts. Uses intended by this definition would include, but not be limited to, business offices, depository institutions, other establishments performing financial services (including outside drive-up facilities), radio or television station. This definition shall not include businesses that are defined as a non-depository institution, nor businesses in which goods or merchandise are sold or stored.

(LDC 2008, § 15A-37-03; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-4. "C" Definitions.

(1) *Canopy* means a roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building or by supports extending to the ground directly under the canopy.

(2) *Carport* means a roof structure open on at least two sides and subject to all the zoning regulations prescribed for a private garage.

(3) *Car wash* means a stand-alone facility, either self-service or full service, that is used to clean the exterior, and/or the interior, of motor vehicles.

(4) *Cemetery, columbarium, or mausoleum* means land or buildings used for the burial or interment of the dead, but not including facilities for embalming or cremation. Other uses that may be offered are clearly accessory to, and supply services to the principal use, including a facility for the manufacture of cement vaults and sale and engraving of grave markers, a retail floral shop, and live plant nursery.

(5) *Check cashing* means cashing of checks for consideration or extending a deferred deposit loan, and shall include any other similar types of businesses by the State pursuant to the Check Cashing Registration Act.

(6) *Chief Building Official* means the individual, under the direction of the Community Development Director, who supervises and directs the activities of the Building and Safety Division, acts as the City authority on interpretation and enforcement of all Building and Development Codes applying policy directives of the Mayor and City Council.

(7) *Child placing*. See *Human services programs or facilities*.

(8) *City* means Sandy City, Utah.

(9) *City trees*. See *Trees, city*.

(10) *Clinic* means a building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, or counseling services for outpatients only.

(11) *Closure (Chapter 21-17)* means the cessation of operation of a facility or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of groundwater in accordance with the appropriate State, Federal, and local regulations applicable to the specific facility and within the provisions of this title.

(12) *Club*. See *Alcoholic beverage establishments*.

(13) *Clustered subdivision* means a residential use that divides land into not more than the number of lots permissible in a conventional subdivision of the same property in the same zone, but where the size of the individual lots may be reduced in order to gain common open space.

(14) *Code* means the Sandy City Code.

(15) *Code Compliance Officer, Code Enforcement Officer, or Code Inspector* means any authorized agent or employees of the City whose duty it is to assure Code compliance.

(16) *Collection Area (Chapter 21-17)* means the area surrounding a groundwater source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other groundwater collection devices.

(17) *Collocate or collocation* means to install, mount, maintain, modify, operate, or replace a small wireless facility: on a wireless support structure or utility pole; or, for ground-mounted equipment, adjacent to a wireless support structure or utility pole.

(18) *Columbarium*. See *Cemetery, columbarium, mausoleum*.

(19) *Commercial, heavy*, means an establishment or business which generally uses open sales yards, outside equipment storage and/or company vehicles and trucks, or outside activities that generate noise or other impacts considered incompatible with less intense uses. Typical businesses included in the term "commercial, heavy," are lumber yards, construction specialty services, heavy equipment suppliers, or construction related contractors and subcontractors.

(20) *Commercial mixed use* means development within a building, which incorporates retail commercial or individual offices on the ground level and office and/or residential use on upper levels.

(21) *Commercial parking* means an open area, other than a street, used for the parking of vehicles, with or without a garage, used for the temporary parking of automobiles with or without a fee.

(22) *Commercial repair services* means establishments which engage principally in the repair of large or heavy duty household goods such as washers and refrigerators; the re-upholstery of automobiles, boats, and similar vehicles; small engine repair; or other similar services which exceed the smaller scale classification intended under commercial retail sales and services, but which can still be performed within an enclosed building. For large-scale repair facilities or allowance for outdoor storage or activity, see *Commercial, heavy* or *Industry*.

(23) *Commercial retail sales and services* means establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor on-site promotions); businesses that specialize in the sale of general merchandise or convenience goods. Services include laundromats with coin-operated self-service machines, repair services for small household appliances or equipment. Work conducted on the premises includes handicraft production such as pottery, jewelry, picture frames, or leather goods. Goods assembled or produced on the premises must be for sale on the premises. This is a broad definition which is intended to include all retail sales and services (including personal services) generally associated with commercial districts which are not specifically covered by other definitions in this chapter.

(24) *Commercial specialty* means an establishment which engages in the sale of specialty items and not the general sale of retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure not exceeding 500 square feet; and specialize in the sale of specialty merchandise or convenience goods. Products sold, other than beverages, may not be prepared or produced on site. The term "commercial specialty" does not include those land uses which are defined as a restaurant by Sandy City or other government agency having jurisdiction within the City. The sales or preparation of alcoholic beverages is not permitted under the term "commercial specialty."

(25) *Commercial vehicle* means a vehicle designed and/or used for business, transportation of commodities, merchandise, produce, freight, animals, passengers or other transports including tow trucks or trailers used for the movement of equipment regardless of length. The term "commercial vehicle" also includes construction vehicles such as a bulldozer, backhoe, and similar vehicles.

(26) *Commission* means the Sandy City Planning Commission.

(27) *Community-based program*. See *Correctional facility*.

(28) *Community area* means a smaller geographic unit of the political subdivision of Sandy City as adopted by city ordinance (see adopted Community Map).

(29) *Community Center* means a neighborhood facility dedicated to children and young people and staffed by professionals and volunteers. These facilities typically offer after school, off-track, and weekend programs to provide a safe place for social, educational, or recreational activities. Any church or school would be permitted to operate this type of facility as an ancillary use in any zone in which the church or school is allowed.

(30) *Community correctional facility*. See *Correctional facility*.

(31) *Community Development Director* means the individual who supervises and directs the Community Development Department which includes responsibility for the physical and economic development of the City.

(32) *Conditional use* means a land use that, because of its unique characteristics or potential impact on the City, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(33) *Condominium* means a single unit in a multi-unit project or structure which is separately owned which may be combined with an undivided interest in the common areas and facilities of the property.

(34) *Congregate care facility* means a housing development of five or more dwelling units which is planned, designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly persons or persons with a disability. The direct services that are provided or made available shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently. Direct services include meals, housekeeping services, transportation services, and planned recreational and social activities which shall be provided to the residents directly by the management of the congregate housing. Support services are social services, day care services and in-home services which the management of the congregate housing shall assist the residents in obtaining at the request of the residents. A congregate care facility may only be developed as a component of a transitional care development, and not as a stand-alone development.

(35) *Continuous transit* means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

(36) *Convalescent home*. See *Nursing home*.

(37) *Correctional facility* means any facility operated by the State Department of Corrections or Division of Youth Corrections or under a contract with either to house offenders, either in a secure or non-secure setting, including, but not limited to, a prison, jail, juvenile detention facility or juvenile secure facility and the following:

- a. *Community-based program*. A non-secure residential or nonresidential program designated to supervise and rehabilitate youth offenders in the least protective restrictive setting, consistent with public safety, and designated or operated by or under contract with the Division of Youth Corrections.

- b. *Community correctional center.* A non-secure correctional facility operated by the Department of Corrections or under a contract with the Department of Corrections.
- c. *Detention center.* See *Secure detention* (Subsection j of this definition).
- d. *Jail.* A facility established and operated by the County, either directly or under contract with a private provider, for confinement of persons in lawful custody.
- e. *Juvenile detention facility.* A facility established and operated by the State of Utah, either directly or under contract with a private provider, for temporary detention of delinquent juveniles.
- f. *Juvenile receiving center.* A non-secure, nonresidential program established by the division that is responsible for juveniles taken into custody by law enforcement for status offenses or delinquent acts, but who do not meet the criteria for admission to secure detention or shelter.
- g. *Juvenile secure facility.* A facility established and operated by the State of Utah, either directly or under contract with a private provider, for incarceration of delinquent juveniles.
- h. *Observation and Assessment Program.* A service program operated or purchased by the Division of Youth Corrections that is responsible for temporary custody of youth offenders for observation.
- i. *Secure correctional facility.* Any prison, penitentiary, or other institution operated by the Department of Corrections or under contract for the confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.
- j. *Secure detention.* Predisposition placement in a facility operated by or under contract with the Division of Youth Corrections for conduct by a child who is alleged to have committed a delinquent act.
- k. *Secure facility.* Any facility operated by or under contract with the Division of Youth Corrections that provides 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation.
- l. *Shelter.* The temporary care of children in physically unrestricted facilities pending court disposition or transfer to another jurisdiction.

(38) *Council* means the City Council of Sandy City.

(39) *Court* means an open, unoccupied space, other than by a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

(40) *Coverage* means the percent of the total site area covered by structures or impervious paving other than those excepted in this title.

(41) *Crematory, embalming facility* means buildings used for the cremation and/or embalming of the dead, but not including facilities for burial, internment, body viewing, or funeral services.

(42) *Crime Prevention Through Environmental Design (CPTED)* means guiding design principles for creating safer built environments, incorporating natural surveillance, access control, territorial reinforcement, sense of ownership, management and maintenance.

(43) *Cul-de-sac* means a street closed at one end by an enlarged, circular turn-around area where the arc exceeds at least 190 degrees.

(44) *Cut*, in the context of grading, hillside or slope modification, means either excavated material or the void resulting from the excavation of earth material and is measured from natural grade to finished grade.

(LDC 2008, § 15A-37-04; Ord. No. 11-05, 3-25-2011; Ord. No. 13-13, 6-5-2013; Ord. No. 13-22, 10-4-2013; Ord. No. 15-05, 3-23-2015; Ord. No. 18-21, § 1(15A-37-02), 8-30-2018; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-5. "D" Definitions.

(1) *Dance hall* means an establishment intended primarily for dancing and entertainment within an enclosed dance floor space, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

(2) *Dance school* means an establishment for the instruction of the art of dance, including, but not limited to, ballet, ballroom, jazz, tap, and modern. The standards applicable to the operation of such a facility are dependent upon the physical location of the school. If within a home, they must comply with the provisions of Chapter 15-8 requirements. If within a commercial location, they must comply with the requirements of the underlying zone.

(3) *Day care, adult*, means continuous care and supervision for three or more adults 18 years of age and older for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services on a protective setting.

(4) *Day care, child*, means an establishment for the care and/or instruction, whether or not for compensation, of 12 or fewer children at any one time. Child nurseries and overnight child care are included in this definition.

(5) *Day care, elderly*, means arranging for or providing the necessities of life, for compensation, as a protective service to individuals who are at least 60 years old, and are disabled or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves.

(6) *Day care, group*, means an establishment for the care and/or instruction, whether or not for compensation, of more than 12 children at any one time. Child nurseries and preschool facilities are included in this definition.

(7) *Day treatment*. See *Human services programs or facilities*.

(8) *Deck*. See *Balcony*.

(9) *Decorative pole* means a City-owned or City-managed pole that is specially designed and placed for an aesthetic purpose, and:

- a. On which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than:
 1. A small wireless facility;

2. A specially designed informational or directional sign;
 3. A temporary holiday or special event attachment; or
- b. On which no appurtenance or attachment has been placed, other than:
1. A small wireless facility;
 2. A specially designed informational or directional sign; or
 3. A temporary holiday or special event attachment.

(10) *Department* means the public agency, division, or department designated by Sandy City to enforce the provisions of this title. For Sandy City, the departments are Public Utilities, Public Works, Community Development and the Salt Lake Valley Health Department.

(11) *Depository institutions* means a bank, savings and loan association, savings bank, industrial bank, credit union, or other institution that:

- a. Holds or receives deposits, savings, or share accounts;
- b. Issues certificates of deposit; or
- c. Provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.

(12) *Design district* means an area that is zoned or otherwise designated by City ordinance or code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(13) *Detention Center*. See *Correctional facility*.

(14) *Developer* means any subdivider or any person or organization that develops, intends to develop, or sells property for the purpose of future development. The term "developer" includes the legal or beneficial owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

(15) *Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(16) *Development Review Meeting* means a meeting held by the Community Development Department for review of development projects. Representatives from the following City departments, as necessary, may attend:

- a. Community Development Department.
- b. Public Works Department.
- c. Public Utilities Department.
- d. City Attorney's Office.
- e. Fire Department.
- f. Police Department.

g. Parks and Recreation Department.

(17) *Development site* includes the total perimeters of:

- a. A subdivision.
- b. A residential planned unit development.
- c. A tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

(18) *Director* means the Director of the Community Development Department, or the Director's designee.

(19) *Disabled/disability*.

- a. The term "disabled/disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having an impairment.
- b. The term "disabled/disability" includes those as defined in Utah Code Ann.; a severe, chronic disability that:
 1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 2. Is likely to continue indefinitely;
 3. Results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and
 4. Requires a combination or sequence of special interdisciplinary or generic care, treatment, or other service that may continue throughout life and must be individually planned and coordinated.
- c. The term "disabled/disability" also includes those who need assistance with activities of daily living as defined in Utah Code Ann., which activities include dressing, eating, grooming, bathing, toileting, ambulation, transferring, and self-administration of medication.
- d. The term "disabled/disability" does not include current illegal use of, or addiction to, any Federally-controlled substances, as defined in the Controlled Substances Act, 21 USC 802.

(20) *Discharge (Chapter 21-17)* means and includes, but is not limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the soils, air, groundwaters, or surface waters of the City. The term "discharge" does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances provided that such use is not prohibited by Federal, State, or local regulations. The term "discharge" shall not include releases specifically authorized by Federal or State permits.

(21) *Distance between residential structures* means the shortest distance between the vertical walls of two residential structures as herein defined.

(22) *Domestic staff* means persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.

(23) *Domestic violence treatment program*. See *Human services programs or facilities*.

(24) *Drinking Water Source Protection Zone* means an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

(25) *Drinking water supply spring* means a drinking water spring to supply water which has been permitted or intended for consumptive use.

(26) *Drinking water supply well* means a drinking water well to supply water which has been permitted or intended for consumptive use.

(27) *Drive-up window (non-food)* means an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or services to patrons who remain in their vehicles.

(28) *Driveway* means a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

(29) *Dwelling* means any structure designed or used for residential purposes that has been constructed to comply with all Building Codes of Sandy City or the Building Codes established by the National Manufactured Housing Construction and Safety Standards Act (42 USC 5401 et seq. (1976)), or the HUD Code. A dwelling does not include hotels, motels, bed and breakfast facilities, etc., nor structures used for or under short-term residential leases.

(30) *Dwelling, duplex*, means a building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units in one ownership.

(31) *Dwelling, earth-sheltered*, means a dwelling built underground and beneath a continuous exterior surface grade for the purpose of energy conservation, having a roof of earthen material, and having its floor at the approximate level of some other exterior grade on one or more sides. Dwellings may be detached, semi-detached or attached.

(32) *Dwelling, multiple-family*, means a building arranged or designed to include three or more dwelling units, each to be occupied by one family living independently in which they may or may not share common entrances and/or other spaces. Individual units may be owned as condominiums or offered for rent.

(33) *Dwelling, multiple-unit*, means a building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual units may be owned as condominiums or offered for rent.

(34) *Dwelling, planned group*, means two or more detached buildings used as residences located on a lot that is in single ownership and having yards, courts, or facilities in common.

(35) *Dwelling, single-family*, means a building arranged or designed to include only one dwelling unit occupied by one family (see *Family*), including extended living areas or an accessory apartment which may be approved as provided elsewhere in this title.

(36) *Dwelling unit* means one or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also *Dwelling, single-family*.

(37) *DWSP* means Drinking Water Source Protection.
(LDC 2008, § 15A-37-05; Ord. No. 13-13, 6-5-2013; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-6. "E" Definitions.

(1) *Earth station* means any apparatus or device commonly known as an earth terminal antennae, earth terminal, satellite communication antennae, satellite antennae, microwave dish antennae, satellite television antennae, or dish antennae which is designed for the purpose of transmitting and/or receiving radio, television, satellite, microwave, or other electromagnetic energy signals, but does not include conventional television, radio, and amateur radio antennae.

(2) *Easement* means that portion of lots reserved for present or future use by a person or agency other than the legal fee owners of the property. The easement may be for use under, on or above said lot or lots.

(3) *Educational facility with housing* means any public, parochial, private, charitable, or nonprofit school, junior college, or university, including instructional and recreational uses, with living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

(4) *Elderly person* means, for the purposes of this title, to qualify for residence within a residential facility for elderly persons, a person who is 55 years old or older.

(5) *Eleemosynary* means related to and supported by charity.

(6) *Eligible facilities request* means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving:

- a. Collocation of new transmission equipment.
- b. Removal of transmission equipment.
- c. Replacement of transmission equipment.

(7) *Embalming facility*. See *Crematory, embalming facility*.

(8) *Emergency* means any occurrence, or substantial imminent threat thereof, whether natural, technological or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(9) *End stage renal disease facility*. See *Health care facilities*.

(10) *EPA* means The U.S. Environmental Protection Agency.

(11) *Equestrian facilities* means commercial horse, donkey, and mule facilities, including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, park stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above issues.

(12) *Equipment sales and services* means an establishment primarily engaged in the sale or rental of tools, trucks, construction equipment, and similar industrial equipment. Included in the term "equipment sales and service" is the incidental storage, maintenance, and servicing of such equipment.

(13) *Excavation* means the removal of earth from its natural position or the cavity resulting from the removal of earth.

(14) *Expansive soil* means soil characterized by clay like material that shrinks and swells as it dries or becomes wet and is generally found in areas that historically were a floodplain or lake, but can occur in hillside areas also.

(15) *Exposition/convention center* means a stand-alone facility, not part of a larger development, designed to accommodate 5,000 or more persons and used for conventions, consumer shows, trade shows, conferences, seminars, product displays, recreation activities and entertainment functions, along with accessory functions including temporary outdoor displays, indoor dances, holiday celebrations, and food and beverage preparation and service for on-premises consumption.

(16) *Exposition hall/center*. See *Exposition/convention center*.

(17) *Extended living areas* means additional and accessory living facilities within a dwelling structure with kitchen, bathroom, and sleeping areas designed for temporary use by extended family members for medical or economic reasons on a non-rental basis and in compliance with standards as set forth in this title. The term "extended living areas" also includes family "canning" kitchens and living quarters for domestic staff or other personnel typically employed in household maintenance (e.g., maids, butlers, gardeners).

(LDC 2008, § 15A-37-06; Ord. No. 13-13, 6-5-2013; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-7. "F" Definitions.

(1) *Face of building* means the wall of a building fronting on a street, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations, but including the parapet wall.

(2) *Family*.

a. The term "family" means a person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people who are all related by blood, marriage, adoption, or court sanctioned guardianship, together with any incidental domestic or support staff who may or may not reside on the premises;
2. Four unrelated people; or
3. Two unrelated adults and any minor children related to them.

b. The term "family" does not include:

1. Any society, club, fraternity, sorority, association, lodge, federation, coterie, or like organization.

2. Any group of individuals whose association is temporary or seasonal in nature.
3. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

(3) *Farm animals* means animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or for family food production, education, or recreation. Farm animals are identified by these categories: large animals (e.g., horses and cattle); medium animals (e.g., sheep and goats); small animals (e.g., rabbits, chinchilla, chickens (hen or rooster), turkeys, pheasants, geese, ducks and pigeons; or Vietnamese potbellied pigs). Pigs are not permitted to be kept within the City except for Vietnamese potbellied pigs, as pets.

(4) *Farmer's market* means a consortium of three or more individual produce growers, and/or manufacturers of whole grain products who meet on a regular basis at a central location within a structure or open area to sell farm produce.

(5) *Fence* means any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across a fence line.

(6) *Fill* means earth materials used as a manmade deposit to raise an existing grade, or shall mean the depth or the volume of such material. The reference for a fill shall be measured from natural to finished grade.

(7) *Final grading* means the last stage of grading a soil or gravel material prior to landscaping, the installation of concrete or bituminous paving, or other required final surfacing material.

(8) *Final plat* means a plat and supporting documents, prepared in accordance with the provisions of this title and prepared for recording in the Salt Lake County Recorder's Office.

(9) *Financial office* means a bank, savings and loan, credit union, mortgage office, lending establishments, or automated teller machine (ATM).

(10) *Fine jewelry store* means a jewelry store that primarily manufactures jewelry comprised of gold, silver, platinum, titanium, tungsten, or other precious metals and which may contain gemstones.

(11) *Fiscal impact analysis* is often used interchangeably with the term "cost revenue analysis." Fiscal impact analysis describes the current or anticipated effect upon the public costs and revenues of a local government imposed by a residential or commercial development.

(12) *Flag lot* means a lot that has access to a public right-of-way by means of a narrow strip of land.

(13) *Flagpole* means a freestanding structure or a structure attached to a building designed and used for the sole purpose of displaying a flag.

(14) *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; and/or
- b. The unusual and rapid accumulation or run off of surface waters from any source.

(15) *Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Sandy City.

(16) *Flood Insurance Study* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(17) *Floodplain* means land that is within the 100-year floodplain designated by the Federal Emergency Management Agency; or has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or catastrophic flood event because the land has characteristics that are similar to those of a 100-year floodplain designated by the Federal Emergency Management Agency.

(18) *Floodplain, 100-year (intermediate regional flood)* means a designated area where a flood whose peak flow magnitude has about a one percent chance of being equaled or exceeded in any year. The flood within a floodplain is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in 100 years.

(19) *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(20) *Floor area* means the total gross floor area of the building or structure, but not including any area within the building utilized for the required off-street parking spaces.

(21) *Fraternity or sorority house* means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

(22) *Frontage* means the width of a lot or parcel abutting a public or private right-of-way measured at the front setback line.

(23) *Front loaded garage* means a subservient (secondary or de-emphasized (i.e., located behind the front line of the building)) parking structure designed for access from the street, either attached to the dwelling, or detached to the side or rear of the dwelling.

(24) *Funeral home*. See *Mortuary*.
(LDC 2008, § 15A-37-07; Ord. No. 10-31, 8-8-2010; Ord. No. 11-24, 12-5-2011; Ord. No. 12-02, 1-27-2012; Ord. No. 13-26, 11-25-2013)

Sec. 21-37-8. "G" Definitions.

(1) *Garage, private*, means a detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

(2) *Garage sales* means the sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. The term "garage sale" includes the terms "yard sale" and "estate sale."

(3) *General acute hospital*. See *Health care facilities*.

(4) *Geologic hazard* means land that may include surface fault rupture, shallow groundwater, liquefaction, a landslide, debris flow, unstable soil, rock fall, or any other geologic conditions that presents a risk to life; of substantial loss of real property; or of substantial damage to real property.

(5) *Grade* means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(6) *Grade, highest adjacent*, means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

(7) *Grading* means either an excavation or fill, or the act of excavating or filling.

(8) *Gravel parking area*. A six-inch gravel base complying with City specifications may be used for the storage of recreational vehicles only.

(9) *Gross acreage* means the total area of the development site, including all rights-of-way.

(10) *Gross leasable area (GLA)* means the total floor area of a retail business designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the centerline of joint partitions and from outside wall faces.

(11) *Groundwater* means any water which may be drawn from the ground.

(12) *Groundwater discharge area* means an area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer. Discharge areas are determined by the United States Geological Survey (USGS).

(13) *Groundwater divide* means a ridge in the water table or potentiometric surface, from which groundwater moves away in both directions.

(14) *Groundwater TOT* means time of travel for groundwater.

(15) *Group child activities* means an establishment for the care and/or instruction, whether or not for compensation, of 12 or fewer children at any one time. Child nurseries, day cares, preschools, and dance schools are typical examples of a group child activity.

(16) *Guesthouse* means a detached living quarters located within an accessory building that is subordinate to, and located on the same premises with, a primary dwelling, occupied solely by members of the family and temporary guests. Such facilities shall not be rented independently from the main dwelling unit.

(LDC 2008, § 15A-37-08; Ord. No. 13-13, 6-5-2013)

Sec. 21-37-9. "H" Definitions.

(1) *Half-pipe ramp* means a smooth-surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as snowboarding, skateboarding, freestyle BMX, or inline skating. The structure is usually wood, although sometimes the surface is made of another material. Appearance wise, it resembles a cross-section of a swimming pool, and in its most basic form, it consists of two concave ramps (or quarter pipes), topped by copings and decks, facing each other across a transition.

(2) *Handicapped person*. See *Disability*.

(3) *Handle* means to use, generate, process, produce, package, treat, store, or transport a regulated substance in any fashion.

(4) *Hazardous materials* means any substance:

- a. Which is flammable, explosive, radioactive, toxic, corrosive, infectious, carcinogenic, mutagenic or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of Utah or any political subdivision thereof; or
- b. Which contains asbestos, organic compounds known as polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxicity or petroleum, including crude oil or any fraction thereof; or
- c. Which is or becomes defined as a pollutant, contaminant, hazardous waste, hazardous substance, hazardous material or toxic substance under:
 1. The Resource Conservation and Recovery Act, 42 USC 6901-6987;
 2. The Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9601-9657;
 3. The Hazardous Materials Transportation Act, 49 USC 1801-1812;
 4. The Clean Water Act, 33 USC 1251-1387;
 5. The Clean Air Act, 42 USC 7401-7642;
 6. The Toxic Substances Control Act, 15 USC 2601-2655;
 7. The Safe Drinking Water Act, 42 USC 300f-300j;
 8. The Emergency Planning and Community Right to Know Act of 1986, 42 USC 11001-11050;
 9. Title 19, Chapter 6, of the Utah Code;

as any of the same have been or from time to time may be amended; and any similar federal, state and local laws, statutes, ordinances, codes, rules, regulations, orders or decrees relating to environmental conditions, industrial hygiene or hazardous materials on the property, including all interpretations, policies, guidelines and/or directives of the various governmental authorities responsible for administering any of the foregoing, now in effect or hereafter adopted, published and/or promulgated; or the presence of which on the property requires investigation or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy,

or common law; or the presence of which on the property causes or threatens to cause a nuisance on the property or to adjacent properties or poses or threatens to pose a hazard to the health and safety of persons on or about the property.

- (5) *Hazardous waste* means a hazardous waste as defined by the U.S. EPA.
- (6) *Hazard tree*. See *Tree, hazard*.
- (7) *Health care facilities* include:
- a. *Ambulatory surgical facility* means a freestanding State-licensed facility which provides surgical services to patients not requiring hospitalization.
 - b. *Assisted living facility*. See *Assisted living facility*.
 - c. *Birth center* means a freestanding State-licensed facility with five or fewer birth rooms, receiving maternal clients and providing care during pregnancy, delivery, and immediately after delivery.
 - d. *End stage renal disease facility* means a State-licensed facility which furnishes staff-assisted kidney dialysis services, self-dialysis services, or home-dialysis services on an outpatient basis.
 - e. *General acute hospital* means a State-licensed facility which provides diagnostic, therapeutic, and rehabilitative services to both inpatients and outpatients by or under the supervision of physicians.
 - f. *Home health agency* means a State-licensed agency, organization, or facility or a subdivision of an agency, organization, or facility which employs two or more direct care staff persons who provide licensed nursing services, therapeutic services of physical therapy, speech therapy, occupational therapy, medical social services or home health aide services on a visiting basis. The term "home health agency" does not mean an individual who provides services under the authority of a private license.
 - g. *Hospice* means a program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.
 - h. *Nursing care facility* means a State-licensed health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services:
 1. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;
 2. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs;or

3. A supervised living environment that provides support, training or assistance with individual activities of daily living. The term "activities of daily living" means essential activities including:
 - (i) Dressing;
 - (ii) Eating;
 - (iii) Grooming;
 - (iv) Bathing;
 - (v) Toileting;
 - (vi) Ambulation;
 - (vii) Transferring; and
 - (viii) Self-administration of medication.
 - i. *Residential health care facility* or *residential care facility* means an operation licensed by the State of Utah as a residential health care facility under authority of U.C.A. 1953, § 26-21-8; or any successor section thereto.
 - j. *Small health care facility* means a four to 16 bed State-licensed facility that provides licensed health care programs and services to residents who generally do not need continuous nursing care or supervision.
 - k. *Specialty hospital* means a State-licensed facility which provides specialized diagnostic, therapeutic, or rehabilitative services in the recognized specialty or specialties for which the hospital is licensed.
- (8) *Health club*. See *Recreation, indoor or outdoor*.
- (9) *Hillside area* means any property with a slope of 30 percent or greater.
- (10) *Home Health Agency*. See *Health care facilities*.
- (11) *Homeless shelter* means a charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. Homeless shelters also include a kitchen and cafeteria.
- (12) *Home occupation* means a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee working in their own home in the service of an employer whose principal place of business is licensed at another location within Sandy or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance.
- (13) *Hospice*. See *Health care facilities*.
- (14) *Hospital* means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a 24-hour basis shall be considered to be a hospital. A hospital

may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital. The term "hospital" includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

(15) *Hotel* means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, telephone and desk service. Related ancillary uses may include, but not be limited to, conference and meeting rooms, restaurants, lounge, and recreational facilities.

(16) *Housekeeping unit* means a family or group of individuals who:

- a. Share a strong bond or commitment to a single purpose (e.g., members of a religious order). The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit; and
- b. Are not legally dependent on others not living with them;
- c. Share a single household budget;
- d. Prepare food and eat together on a regular basis;
- e. Share in the work of maintaining the premises;
- f. Legally share in the ownership or possession of the premises (e.g., tenants in common on a deed or cosigners of a single lease);
- g. Does not include a common living arrangement whose basis for the establishment of the housekeeping unit is temporary or financial in nature.

(17) *HUD Code* means the National Manufactured Housing Construction and Safety Standards Act, 42 USC 5401 et seq.

(18) *Human services programs or facilities* include:

- a. *Adult day care*. Continuous care and supervision for three or more adults 18 years of age and older for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services on a protective setting.
- b. *Child placing*. An operation licensed by the State of Utah for receiving, accepting, or providing custody or care for any child under 18 years of age, temporarily or permanently, for the purpose of:
 1. Finding a person to adopt the child;
 2. Placing the child temporarily or permanently in a home for adoption; or
 3. Foster home placement.
- c. *Comprehensive mental health treatment* means an operation licensed by the State of Utah as "Comprehensive Mental Health Treatment" under authority of U.C.A. 1953, §§ 62A-1-111, 62A-2-103, and 62A-2-105; or any successor section thereto.

- d. *Day treatment.* An operation licensed by the State of Utah as day treatment for specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service.
- e. *Domestic Violence Treatment Program.* An operation licensed by the State of Utah as a nonresidential program designed to provide psychological treatment and educational services to perpetrators and victims of domestic violence.
- f. *Outpatient treatment.* An operation licensed by the State of Utah as outpatient treatment for individual, family or group therapy or counseling designed to improve and enhance social or psychological functioning for those whose physical and emotional status allows them to continue functioning in their usual living environment.
- g. *Residential support.* An operation licensed by the State of Utah as residential support to arrange for or provide the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support.
- h. *Residential treatment.* An operation licensed by the State of Utah as residential treatment as a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.
- i. *Resource family home.* An operation licensed by the State of Utah as a resource family home to provide services to a child in the custody of the State and includes a foster care home and a legal risk home.
- j. *Secure treatment.* An operation licensed by the State of Utah as secure treatment as a 24-hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.
- k. *Social detoxification.* An operation licensed by the State of Utah as social detoxification for short-term residential services for persons who are intoxicated, that are provided outside of a health care facility licensed under the Health Care Facility Licensure and Inspection Act (U.C.A. 1953, § 26-21-1 et seq.), and that include:
 - 1. Room and board for persons who are unrelated to the owner or manager of the facility;
 - 2. Specialized rehabilitation to acquire sobriety; and
 - 3. Aftercare services.

1. *Support staff.* Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.
- m. *Youth Program.* An operation licensed by the State of Utah as youth program as a nonresidential program designed to provide behavioral, substance abuse, or mental health services to minors that:
 1. Services either adjudicated or nonadjudicated youth;
 2. Charges a fee for its services;
 3. May or may not provide host homes or other arrangements for overnight accommodation of the youth;
 4. May or may not provide all or part of its services in the outdoors;
 5. May or may not limit or censor access to parents or guardians;
 6. Prohibits or restricts a minor's ability to leave the program at any time of his own free will; and
 7. Will not apply to recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

(LDC 2008, § 15A-37-09; Ord. No. 13-13, 6-5-2013; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-10. "I" Definitions.

(1) *Impervious material* means material that is impenetrable by water.

(2) *Improvements* means streetscapes, curbs, gutters, sidewalks, utilities, grading, pavings, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of this title.

(3) *Industry, heavy*, means a use engaged in the basic processing and manufacturing of materials or products, predominantly from extracted or raw materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; or a use engaged in the storage of or manufacturing processes using flammable or explosive materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas identified within the International Building Code under the High-Hazard Group H Occupancy and is not an accessory occupancy as defined in the International Building Code to the main occupancy of the building. Examples of this use may include refineries, mining or milling operations, above ground flammable or chemical storage, bulk gas distribution or storage, outside steel fabrication, or other similar uses.

(4) *Industry, light*, means a use engaged in the basic processing, manufacturing, compounding, assembling, and packaging of predominantly previously prepared materials, products or parts; or testing of goods or equipment or research activities. All activities must be conducted entirely within an enclosed structure, with no outside storage. This type of use may include incidental storage of allowable flammables or chemical materials (within the quantity limits of hazardous materials allowed in control areas identified within the International Building Code under the High-Hazard Group H Occupancy), sales or distribution of such products, serviced by a modest volume (less than 12 trips in 24 hours) of

trucks or vans and imposing a negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants. Examples of this use may include the manufacturing of professional instruments, photographic equipment, watches/clocks, jewelry, musical instruments, sporting goods, office supplies and equipment, or other similar uses.

(5) *Industry, medium*, means the manufacturing, compounding, processing, assembling, packaging, or testing, of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties. These types of uses are serviced by a modest volume of trucks (less than 12 trips in 24 hours), or other vehicles, and whose environmental impact is within the industrial performance standards. This would also include a use engaged in the storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; but fall within the quantity limits of hazardous materials allowed in control areas identified within the International Building Code under the High-Hazard Group H Occupancy. Examples of this use may include paint shops, firework/ammunition manufacturing or storage, wood/cabinet shops, steel fabrication shops, or other similar uses.

(6) *Institutional buildings* includes, but is not limited to, churches, schools, hospitals, public and quasi-public buildings.

(7) *Institutional care development/facility* means a facility constructed, licensed and operated to provide long-term or permanent living accommodations, 24-hour staff availability, and at least two of the following services:

- a. A selection of resident care services, under the direction and supervision of a registered nurse or other health or human services licensed professional, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or para-professional personal care services;
- b. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's needs; or
- c. A supervised living environment that provides support, training, or assistance with individual activities of daily living.

The facility must be licensed by either the Utah Department of Health or the Utah Department of Human Services and be operated in accordance with all regulations established for licensure. The term "institutional care development/facility" includes assisted living facilities, hospices, small health care facilities, transitional care developments, nursing homes, convalescent homes, rest homes, congregate care facilities, Alzheimer's facilities, and nursing care facilities. The term "institutional care development/facility" does not include facilities licensed or operating as general acute or specialty hospitals, adult day care, day treatment, domestic violence treatment program, residential support, residential treatment, secure treatment, youth program, community correctional center, correctional facility, secure correctional facility, rehabilitation/treatment facility, transitional housing facility, protective housing facility or similar facilities.

(LDC 2008, § 15A-37-10; Ord. No. 15-05, 3-23-2015)

Sec. 21-37-11. "J" Definitions.

(1) *Jail*. See *Correctional facility*.

(2) *Jurisdictional wetlands* means those areas (within Sandy City) that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally includes swamps, marshes, bogs, and similar areas.

(3) *Juvenile detention facility*. See *Correctional facility*.

(4) *Juvenile receiving center*. See *Correctional facility*.

(5) *Juvenile secure facility*. See *Correctional facility*.
(LDC 2008, § 15A-37-11)

Sec. 21-37-12. "K" Definitions (Reserved).**Sec. 21-37-13. "L" Definitions.**

(1) *Land Development Code* means the Sandy City Land Development Code Revised 2008, as codified in this Title 21.

(2) *Landscape Plan* means a plan showing the proposed location, type and size of all trees, shrubs and ground covers to be planted on the site as well as a complete Water Efficient Irrigation System Plan.

(3) *Landscaping* means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements as grass, trees, shrubs, and flowers. Treatment may also include the use of rocks, fountains, benches, and contouring of the earth.

(4) *Landscaping, dry*, means the finishing and adornment of yard areas solely by use of rocks, fountains, lanterns, benches, decorative paving, etc., and not including growing or planted materials.

(5) *Lane, private*, means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves one or two lots, and is less than less than 150 feet in length.

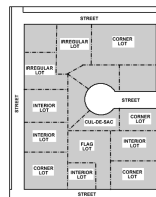
(6) *Library* means a public, nonprofit facility in which literary, musical, artistic, or reference materials, such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by loaning to patrons of the facility, but are not normally offered for sale.

(7) *License Review Board* means persons appointed by the Mayor, or his designee, to serve as a review board for Category II home occupation licenses and as a board of appeals for denied, suspended or revoked home occupation licenses. It shall be convened by the Community Development Director when necessary for review or appeal as set forth in this title. Board members are comprised of two members from each of the following departments: the Fire Department, Police Department, and Community Development Department, and three Sandy residents. There must be at least five attending board members and three concurring votes to approve or deny any measure set before the License Review Board.

(8) *Liquor* means alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spirituous, vinous, or fermented and all other drinks or drinkable liquids, which contain more than one-half of one percent of alcohol by volume which is suitable to use for beverage purposes; except that the term "liquor" shall not include any beverages defined as beer, malt, liquor, or malted beverage that has an alcohol content of less than four percent alcohol volume.

(9) *Live/work units* means mixed use development within a building, which incorporates retail commercial or individual offices on the ground level, residential use on upper levels, with direct access between uses and levels.

(10) *Lot* means a legal parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, frontage, lot width, and lot area as are required by ordinance.



(11) *Lot, corner*, means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

(12) *Lot, interior*, means a lot other than a corner lot.

(13) *Lot, irregular*, means a building lot whose rear property line is not generally parallel to the front property line, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

(14) *Lounge*. See *Alcoholic beverage establishments*.

(15) *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

(LDC 2008, § 15A-37-13; Ord. No. 13-13, 6-5-2013; Ord. No. 14-29, 9-28-2014; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-14. "M" Definitions.

(1) *Maintenance facility* means any building, premises, or land upon which a private business, service, industry or unit of government (other than police or fire agencies):

- a. Services or maintains motor vehicles; or
- b. Stores vehicles or equipment used for servicing off-site facilities or infrastructure.

(2) *Major sports venue* means a stadium or similar building, with at least 20,000 fixed seats, in which a professional sporting competition, concert, or other similar event is held.

(3) *Manufactured home* means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which:

- a. In the traveling mode, is eight feet or more in width or 40 body feet or more in length, or, when erected on-site, is 400 or more square feet; and
- b. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior or the home certifying the home was manufactured to HUD standards. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

(4) *Manufactured mobile home park* means a residential development in which owners of mobile homes may rent, lease, or own a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of planned unit developments.

(5) *Market study* means a study or related aggregate data review to establish the number of potential users of a commercial facility or the size of a market area.

(6) *Marquee* means a permanent roofed structure over the entrance to a building often bearing an advertising sign. This structure is designed to meet all provisions of the current International Building Code and other specifications as outlined in this title. Where specifications in this title and the International Building Code as adopted by Sandy City differ, the more restrictive shall apply.

(7) *Mausoleum*. See *Cemetery, columbarium, mausoleum*.

(8) *Medical and health care office* means a building used exclusively by physicians, dentists, and other health care personnel for the treatment and examination of patients on an outpatient basis.

(9) *Micro wireless facility* means a type of small wireless facility that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and on which any exterior antenna is no longer than 11 inches; and that only provides Wi-Fi service.

(10) *Mixed use, commercial and residential development*, means a development consisting of a mixture of residential and commercial uses with an approved ratio, developed according to a master site plan. The development of the uses is of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.

(11) *Mixed use development* means a development project that includes residential and one or more of the following land uses: retail, service, commercial, or office; and which, vertically or horizontally, integrates critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted pedestrian connections, and reduces traffic and parking impacts.

(12) *Mixed use, horizontal*, means commercial and residential uses, etc., which are in close proximity to each other and designed in a village manner, but not necessarily within the same building structures.

(13) *Mixed use, residential and office use*, means a development consisting of a mixture of residential and office uses with an approved ratio, developed according to a master site plan. The development of the uses is of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.

(14) *Mixed use, vertical*, means commercial, office, or residential uses, etc., designed in a village manner which are within close proximity to each other within the same building structure.

(15) *Mobile food business* means a business that prepares and serves food or beverages from a self-contained unit that is a motorized vehicle or a trailer. The term "mobile food business" shall not include mobile ice cream vendors that only sell pre-packaged ice cream treats.

(16) *Mobile food court* means where two or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business located on the same parcel of land shall be considered a mobile food court.

(17) *Mobile home* means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a State Mobile Home Code which existed prior to the HUD Code.

(18) *Model home* means a dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business.

(19) *Modular unit* means a structure built from sections which are manufactured in accordance with the construction standards adopted in the Utah Uniform Building Standards Act and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

(20) *Monument, survey*, means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the City Engineer's specifications and referenced to Salt Lake County survey monuments.

(21) *Mortuary/funeral home* means an establishment engaged in undertaking services as preparing the dead for burial, and arranging and managing funerals. The facility may include such uses as are associated with, clearly accessory to and supply services to the principal use: a chapel for the conduct of funeral services and spaces for informal gatherings and/or display of funeral equipment, and may also include a retail floral shop, live plant nursery, a facility for the manufacture of cement burial vaults and the sale and engraving of grave markers.

(22) *Motel* means a building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of typically providing direct independent access to, and adjoining parking for, each rental unit.

(LDC 2008, § 15A-37-14; Ord. No. 09-03, 2-6-2009; Ord. No. 13-13, 6-5-2013; Ord. No. 15-34, 11-16-2015; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-15. "N" Definitions.

(1) *Natural access control* means physical design which guides the mobility of people and which decreases crime opportunity and increases perception of risk to potential offenders.

(2) *Natural state* means the condition of land which has not been graded, disturbed, or built upon.

(3) *Natural surveillance* means physical design which keeps potential intruders under the perception of continual watch, using "eyes on the street" and visual permeability in architecture, lighting, and landscaping.

(4) *Natural vegetation* includes, but shall not be limited to, orchards, trees, shrubs, lawn, grass and perennial growth.

(5) *Natural waterways* means those areas, varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined and identified by the City.

(6) *Net residential acreage* means all land within a development site devoted exclusively to a residential use.

(7) *New construction* means structures for which the start of construction commenced on or after the effective date of the original ordinance from which this title is derived, and includes any subsequent improvements to such structures.

(8) *Nonconforming building means* a building or structure or portion thereof lawfully existing when the relevant regulation first became effective, which was designed, erected, or structurally altered that does not conform to the regulations of the district in which it is located, or a building or structure that does not conform to all the height and area regulations.

(9) *Nonconforming lot* means a lot whose width, area, or other dimension does not conform to the regulations when this title became effective. However, proposed structures for such lots shall meet the required setbacks under this title unless otherwise stipulated by the Board of Adjustment.

(10) *Nonconforming use* means a use which lawfully occupied a building or land at the time this title became effective and which does not now conform with the use regulations.

(11) *Non-depository institution* means a financial business, other than a depository institution such as a bank, credit union, mortgage lender or savings and loan association that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act. Specifically included are the following:

- a. *Check cashing business* means a person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan. The term "check cashing business" does not include depository institutions, as defined by the State of Utah. The term "check cashing business" also does not include a retail seller engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding one percent of the check or \$1.00 as a service fee that is incidental to its main purpose or business.

- b. *Deferred deposit lender* means a business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specific date.
- c. *Payday loan business* means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
- d. *Title loan business* means an establishment providing short-term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.
- e. *Other*. Also included are any other business that offers deferred deposit loans, title loans, check cashing services and loans for payment of a percentage fee exceeding one percent of the check or \$1.00 as a service fee that is incidental to its main purpose or business.

(12) *Nondiscriminatory* means treating similarly situated entities the same absent a reasonable, and competitively neutral basis, for different treatment.

(13) *Nursing care facility*. See *Health care facilities*.

(14) *Nursing home* means an intermediate care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment, require assistance and/or supervision on a 24-hour per day basis. A nursing home, convalescent home or rest home does not include:

- a. A residential facility for persons with a disability;
- b. A residential facility for elderly persons;
- c. An adult day care facility; or
- d. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

(LDC 2008, § 15A-37-15; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-16. "O" Definitions.

(1) *Observation and assessment program*. See *Correctional facility*.

(2) *Office*. See *Business or financial services*.

(3) *Official Street Map* means a map drawn by City authorities that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and has been adopted as an element of the General Plan.

(4) *Off-site improvements* means any improvement that may be required which are not located within the area of the property to be subdivided or developed.

(5) *Open space* means land areas that are not occupied by buildings, structures, parking areas, streets or alleys. Open space may be devoted to landscaping, preservation of natural features, forests, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, and recreational leisure areas and facilities.

(6) *Operating permit (Chapter 21-17)* means a permit to operate a facility handling regulated substances under this title.

(7) *Ordinary repair* means the painting or replacement of existing building materials on or within a structure, provided that such replacement consists of materials which do not alter the integral structure and design of the building. Ordinary repairs do not include changing the building's exterior space/dimension.

(8) *Outdoor rooms* means physical design of buildings, parking lots, open space areas, etc., which breaks up expansive areas and creates the feeling of ownership and safety.

(9) *Outpatient treatment*. See *Human services programs or facilities*.

(10) *Overlay Zone* means an area where certain additional requirements are superimposed upon a base zoning district and where the requirements of the base or underlying district may or may not be altered.

(11) *Oversized vehicle* means a motor vehicle, trailer, or boat which by itself or together with other structures or vehicles attached to it exceeds 24 feet in length, or eight feet in width, or eight feet in height, or is greater than one ton, exclusive of appurtenances such as antennas, air conditioners, luggage racks, and mirrors.

(LDC 2008, § 15A-37-16; Ord. No. 13-13, 6-5-2013)

Sec. 21-37-17. "P" Definitions.

(1) *Park and ride facilities* means parking lots or structures located along public transit routes designed to encourage transfer from private vehicles to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas. Said facilities shall be appropriately developed and landscaped to City standards, with special attention paid to buffers adjacent to residential properties. Facilities approved as part of existing shopping centers shall have authorization from property owners and shall not adversely impact existing parking ratios.

(2) *Parking area, restricted*, means the area within the front yard of a lot within which the parking of recreational and commercial vehicles is regulated.

(3) *Parking lot* means an open area, other than a street, used for the parking of vehicles.

(4) *Parking space, automobile*, means space within a building or private or public parking area, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

(5) *Parking structure/terrace* means parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two or more levels.

(6) *Park, private*, means a park, playground, swimming pool, golf course or athletic field, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of a private entity not associated with any unit of a government.

(7) *Parking, underground*, means below-grade parking facilities which typically include ventilation systems where motor vehicles are parked, or allowed to remain, and where the owner or person parking the vehicle may be charged a fee.

(8) *Park, public*, means a park, playground, swimming pool, golf course or athletic field, conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of the State, a State agency, the County, or Sandy City.

(9) *Parkstrip* means the landscape area within a public right-of-way located between the back of the street curb and the sidewalk, or, in the absence of a sidewalk, located between the back of the street curb and the property line. The term "parkstrip" shall also include tree-well sites located within the public right-of-way.

(10) *Pawnbroker* means a person whose business engages in the following activities:

- a. Loans money on one or more deposits of personal property;
- b. Deals in the purchase, exchange, or possession of personal property on condition of selling the same property back again to the pledger or depositor;
- c. Loans or advances money on personal property by taking chattel mortgage security on the property and takes or receives the personal property into his possession, and who sells the unredeemed pledges;
- d. Deals in the purchase, exchange or sale of used or secondhand merchandise or personal property; or
- e. Engages in a licensed business enterprise as a pawnshop.

(11) *Pawnshop* means the physical location or premises where a pawnbroker conducts business.

(12) *Pedestrian street* means a street designed for the use of pedestrians, restricting vehicular use to service and emergency vehicles, particularly in areas where retail commercial is on both sides of the street.

(13) *Permanent make-up* means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. The term "permanent make-up" includes, but is not limited to, permanent eyeliner, eye shadow, lip color, or areola color. This type of land use is typically an ancillary use to a beauty salon. This does not include the term "tattoo."

(14) *Permittee* means the person who has received a permit to operate or maintain a SWF under this chapter, or that person's authorized representative.

(15) *Person* means an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as singular.

(16) *Personal wireless services* means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined at 47 USC 332 (c)(7)(C), or as modified from time to time in the United States Code.

(17) *Petroleum product* includes fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

(18) *Planned commercial center* means an area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate commercial areas and other uses incidental to the predominant uses. Planned commercial centers are designed as an integrated complex of leasable or individually owned spaces in a single building, group of buildings, or parcels.

(19) *Planned shopping center* means a group of architecturally unified commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that it serves. The unit provides on-site parking in definite relationship to the uses and total size of the stores.

(20) *Planned unit development (PUD)* means a residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site design, building design, and location, in accordance with general guidelines as specified in this title. Units within a PUD may be sold or offered for rent.

(21) *Plant nursery* means a facility used for the growing and the wholesale or retail sale of trees, shrubs, flowers, ground covers, etc. Said use may also include sales of related products, including fertilizers, mulch, landscape decoration, etc.

(22) *Playground* means a facility designed for use by children, which may include, but not limited to, a slide, swing set, climbing bars, one or more basketball standards, hard surface for play, and tether ball. A playground does not include a golf course, full size athletic fields, tennis courts, volleyball court, swimming pool and other similar in size outdoor activities.

(23) *Plot plan* means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required.

(24) *Pole agreement* means an agreement by the owner of a pole in the ROW to place a SWF on the pole.

(25) *Porch*. See *Balcony*.

(26) *Potential contaminant source (PCS)* means any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater or surface water sources; it shall include, but is not limited to, hazardous waste, limiting nutrients, and sanitary sewage.

(27) *Potential geologic hazard area* means an area that is designated by a Utah Geological Survey map, County geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Geological Survey or a County geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(28) *Practitioner* means a medical doctor (surgeon, general practice, orthopedic, mid-wife, nurse practitioner, etc.) or those who perform dental care (dentist, orthodontist, endodontist, etc.). A practitioner does not include nursing staff, receptionists, dental assistants, rehabilitation specialists and other similar support staff.

(29) *Preliminary plat* means a plat prepared in accordance with this title, showing the design of a proposed subdivision and the existing conditions in and around the subdivision.

(30) *Preschool* means an establishment for the instruction of children prior to entrance into kindergarten. The standards applicable to the operation of such a facility are dependent upon the zone in which it is located. If within a home, the preschool must comply with the provisions of the home occupation requirements. If within a commercial location, the preschool must comply with the requirements of the underlying zone.

(31) *Primary recharge area* means the areas depicted on the Drinking Water Source Protection Map on file in the Sandy City Public Utilities Department.

(32) *Prison* means a facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by private provider pursuant to the provisions of the Private Correctional Facilities Act, Utah Code Annotated, as amended.

(33) *Private tree*. See *Tree, private*.

(34) *Professional office* means professional or governmental office such as real estate, insurance, accounting, auditing, bookkeeping services, advertising agencies, architectural, engineering, planning, surveying services, attorneys, counseling services, court reporting services, detective agencies, educational, scientific, research organizations, employment, stenographic, secretarial, word processing services, government offices including agency and administrative office facilities, management, public relations, consulting services, photography, commercial art studios, or similar services. The term "professional office" does not include medical and health care offices.

(35) *Protection Zone* means the delineation zones of the Drinking Water Source Protection Zone Map.

(36) *Protective housing facility* means a facility operated, licensed or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to:

- a. Abused or neglected children awaiting placement in foster care;
- b. Pregnant or parenting teens;
- c. Victims of sexual abuse; or
- d. Victims of domestic abuse.

(37) *Public improvement* means any roadway improvements that are proposed to be maintained by Sandy City, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, and may also include the following:

- a. Survey monuments.
- b. Survey rivets.
- c. Any water system facilities that are proposed to be maintained by Sandy City, such as water main lines, service laterals, meter boxes, fire hydrants, pressure reducing valve stations, and other appurtenances.
- d. Irrigation and flood control systems.
- e. Street lights.
- f. Landscaping and sprinkling systems.
- g. Streetscape (trees, benches, etc.).
- h. Fencing and walls.
- i. Retaining walls.
- j. Any other required improvements determined by the City Engineer or Community Development Director.

(38) *Public plaza* means a publicly-owned area that is in proximity to and associated with a publicly accessible structure or event facility. It is not identified and operated by the City as a public park and does not have a playground. Plazas are areas that function as pedestrian site arrival points and are available to the public as a place to display art, passive recreation, relaxation, walking, seating, socializing, reading, and eating.

(39) *Public/private park* means an open space, playground, swimming pool, golf course, or athletic field available for recreational, educational, cultural, aesthetic use, or natural areas, including, but not limited to, conservation areas, wilderness areas, watershed areas, wildlife refuges, and wetlands which are under the control, operation, or management of a government agency or private entity.

(40) *Public service means* uses which may be housed in separate buildings or which may occupy a space within a building that are operated by a unit of government to serve public needs, such as a library, museum, police (with or without jail), fire service, ambulance, judicial court or government office, but not including public utility stations or maintenance facilities.

(41) *Public utility station* means a structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to drill capture, pump, and to otherwise engage in all aspects of treating and distributing water or effluent. The term "public utility station" shall not include storage or treatment of solid waste, or hazardous waste.

(42) *Public water system (PWS)* means a water system that serves the public.
(LDC 2008, § 15A-37-17; Ord. No. 10-31, 8-8-2010; Ord. No. 13-13, 6-5-2013; Ord. No. 16-35, 10-20-2016; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-18. "Q" Definitions.

(1) *Quad homes* means residential use structures which comprise four dwelling units, but are designed to architecturally appear as large single-family homes. Design elements include, but are not limited to, back loaded garages, porches, entrances and sidewalks oriented to the street.

(2) *Quasi-public* means essentially a public use, although under private ownership or control. (LDC 2008, § 15A-37-18)

Sec. 21-37-19. "R" Definitions.

(1) *Rear-loaded garage* means a subservient parking structure designed for access from a private street, alley, or driveway that is either attached or detached, to the rear of the dwelling.

(2) *Reasonable accommodation* means a change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition of the term "reasonable accommodation":

- a. *Equal opportunity* means achieving equal results as between a person with a disability and a non-disabled person.
- b. *Necessary* means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- c. *Reasonable* means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

(3) *Reciprocal access* means, where commercial uses share a property line, off-street parking lots servicing the properties are made accessible to each other.

(4) *Recreational vehicle* means a vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle. In addition, boats, jet skis, snowmobiles, four-wheelers, etc., shall also be considered as recreational vehicles.

(5) *Recreational vehicle park (travel trailer park)* means any tract of land where the lots or spaces are rented to recreational vehicle owners or users for a period of time not to exceed 30 consecutive days, and where related services are provided.

(6) *Recreation center* means an establishment providing a variety of recreation activities, including activities that are enclosed within a structure along with outdoor recreational activities on the same premises. Activities may include those identified with indoor recreation, passive or active exercises and related activities performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control, as well as such outdoor activities as miniature golf, amusement rides, slides and swimming pools.

(7) *Recreation, fitness center*, means an establishment providing completely enclosed fitness-related activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed use. This definition may include such uses as swimming pool, aerobics, weight training, diet counseling, indoor running track, etc.

(8) *Recreation, indoor*, means an establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller or ice skating, billiards, swimming pools and related amusements.

(9) *Recreation, outdoor*, means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, and open air pavilions, and used primarily for recreation activities not involving motor vehicles, animals, or overnight use. This definition shall include semi-private swimming pools.

(10) *Recycling materials collection/drop-off facility* means a facility that collects recyclable materials for transport to a separate location for processing and recovery. Recyclable materials include glass, plastic, paper, cloth and other materials collected for recovery and re-use. This definition does not include two or fewer newspaper recycling bins and other similar recyclable material bins that are not staffed by on-site employees, but are self-service.

(11) *Regrading and re-paving* means changing of the established grades of an existing parking lot or paved area which significantly alters the existing grade that was constructed according to an approved site plan.

(12) *Regulated substances (Drinking Water Source Protections Ordinance)* means substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health or and environment (including surface water and groundwater, plants, and animals).

(13) *Rehabilitation/treatment facility* means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A rehabilitation/treatment facility does not include a residential facility for persons with a disability.

(14) *Related accessory equipment* means the transmission equipment customarily used with, and incidental to, wireless communication facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

(15) *Religious or cultural activity* means buildings owned or maintained by organized religious organizations and nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship. Uses also included are the public nonprofit display of art, historic or cultural artifacts or other inanimate exhibits, a building used as a lending library or reading room, seminaries (associated with schools), monasteries and convents. This definition shall not include temporary tents or structures.

(16) *Renovation* means interior or exterior remodeling or enlargement of a structure, other than ordinary repair.

(17) *Renter* means a single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

(18) *Research and development facility* means a building or group of buildings in which are located facilities for scientific research, investigation, testing, experimentation, assembly, or repair; but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. This also includes facilities for scientific laboratory research in technology intensive fields. Examples would include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities or similar uses.

(19) *Research park* means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(20) *Residence* means a dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit.

(21) *Residential activity* means any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in this title.

(22) *Residential density* means the average number of dwelling units on one acre of land in a given area.

(23) *Residential density, gross*, means the density obtained by dividing all land in a defined area used for residences, streets, open space, local schools, local parks, and local shopping facilities, into the total number of dwelling units in said area.

(24) *Residential density, net*, means the density determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes.

(25) *Residential facility for elderly persons* means a dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in a trust for a resident; and is voluntarily occupied on a 24 hour per day basis by eight or fewer elderly persons in a family-type arrangement. A residential facility for elderly persons does not include any facility:

- a. Operated as a business, provided that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;

- b. Where persons are placed:
 - 1. For alcoholism or drug abuse treatment;
 - 2. As part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
 - 3. Which is a health care facility as defined by the Utah Code, as amended; or
 - 4. Which is a residential facility for persons with a disability.

(26) *Residential facility for persons with a disability* means a dwelling unit or other place in which more than one person with a disability resides and, if required by state law, is licensed or certified by:

- a. The Utah Department of Human Services under U.C.A. 1953, title 62A, ch. 2 (U.C.A. § 62A-2-101 et seq.); or
- b. The Department of Health under the Health Care Facility Licensing and Inspection Act (U.C.A. 1953, § 26-21-1 et seq.).

(27) *Residential short-term rental (STR)* means any single-family or individual multifamily dwelling or portion thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect remuneration, for a period of less than 30 consecutive days.

(28) *Residential support*. See *Human services programs or facilities*.

(29) *Residential treatment*. See *Human services programs or facilities*.

(30) *Resource family home*. See *Human services programs or facilities*.

(31) *Restaurant* means an eating establishment in which food is prepared for either on- or off-premises consumption, with service being provided in a traditional sit-down restaurant with indoor or outdoor seating style or served from a counter. The term "restaurant" also includes specialty food stores such as ice cream parlors or delicatessens, but does not include drive-in or drive-up window service.

(32) *Restaurant, drive-in/drive-up window*, means an eating establishment in which food is prepared and served; may include facilities for indoor seating, take-out, drive-up window service, or outside service provided by employees to customers in vehicles.

(33) *Rest home*. See *Nursing home*.

(34) *Retail sales and services* means a commercial enterprise that provides goods and/or services directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser. The term "retail sales and services" includes retail establishments engaged in selling goods of merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Retail establishments could also involve a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (big box retail).

(35) *Retaining wall* means a structure or combination of natural elements constructed to hold back or support the adjacent slope, earthen berm or otherwise create a differential in heights between two or more land masses.

(36) *Right-of-way* means the portion of roadway dedicated to the purpose of conveying vehicle and pedestrian traffic, and other public use. The right-of-way includes, but is not limited to, all areas of pavement and sidewalk between opposing property lines.

(LDC 2008, § 15A-37-19; Ord. No. 13-13, 6-5-2013; Ord. No. 18-21, § 1(15A-37-02), 8-30-2018; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-20. "S" Definitions.

(1) *SARA Title III* means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300—302, pertaining to emergency response and right-to-know.

(2) *Satellite dish (groundroof mount)* means an accessory structure which at its widest dimension is in excess of 36 inches; an earth-based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

(3) *School, charter*, means a public school established by a contract with a school district governing board, the State Board Of Education, or the State Board for Charter Schools pursuant to state law.

(4) *School, commercial*, means a school established to provide for the teaching of vocational, industrial, clerical, managerial, artistic skills, or similar skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

(5) *School, commercial (low-impact)*, means those commercial schools which are artistic in nature and which have a relatively low impact on surrounding uses because they are conducted indoors; have a limited number of students; and do not require a large number of parking spaces because of the age of the students. Such schools generally include smaller scale dance schools, music lessons, martial arts schools, gymnastics schools and similar uses.

(6) *School, private or quasi-public*, means a school operated by a private or quasi-public organization, or individual, which has a curriculum similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. A private school may also include laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to said instruction; but shall not include the repair, maintenance and manufacture of vehicles, goods or merchandise, and shall not provide direct services, other than instruction to the general public. (Does not include commercial schools.)

(7) *Schools, public*, means an educational facility operated by a school district or other public agency of the State of Utah.

(8) *Sculpture park* means a facility for the display for viewing and/or sale of sculptures. Facility may include outdoor display. Such facility typically includes a large expanse of landscaped green-space containing an array of gardens, fountains, and sculptural artworks.

(9) *Search light* means a temporary advertising device which is a stationary or revolving light which flashes or projects illumination, single-color or multi-colored, in any manner which is intended to attract or divert attention.

(10) *Secondary containment (Chapter 21-17)* means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

(11) *Secondhand merchandise dealer.*

- a. The term "secondhand merchandise dealer" means an owner or operator of a business that:
 1. Deals in the purchase, exchange, or sale of used or secondhand merchandise or personal property; and
 2. Does not function as a pawnbroker.
- b. The term "secondhand merchandise dealer" does not include:
 1. The owner or operator of an antique shop;
 2. Any class of businesses exempt by administrative rule under U.C.A. 1953, § 13-32a-112.5, or its successor;
 3. Any person or entity who operates auction houses, flea markets, or vehicle, vessel, and outboard motor dealers as defined in U.C.A. 1953, § 41-1a-102, or its successor;
 4. The sale of secondhand goods at events commonly known as garage sales, yard sales, or estate sales;
 5. The sale or receipt of secondhand books, magazines, or post cards;
 6. The sale or receipt of used merchandise donated to recognized nonprofit, religious, or charitable organizations or any school-sponsored association, and for which no compensation is paid;
 7. The sale or receipt of secondhand clothing and shoes;
 8. Any person offering his own personal property for sale, purchase, consignment, or trade via the Internet;
 9. Any person or entity offering the personal property of others for sale, purchase, consignment, or trade via the Internet, when that person or entity does not have, and is not required to have, a local business or occupational license or other authorization for this activity;
 10. Any owner or operator of a retail business that receives used merchandise as a trade-in for similar new merchandise;
 11. An owner or operator of a business that contracts with other persons or entities to offer those persons' secondhand goods for sale, purchase, consignment, or trade via the Internet;
 12. Any dealer as defined in U.C.A. 1953, § 76-10-901, or its successor, which concerns scrap metal and secondary metals; or

13. The purchase of items in bulk that are:

- (i) Sold at wholesale in bulk packaging;
- (ii) Sold by a person licensed to conduct business in Utah; and
- (iii) Regularly sold in bulk quantities as a recognized form of sale.

(12) *Section 6409(a)* means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 USC 1455(a), as may be amended.

(13) *Section 6409(a) modification* means any eligible facilities request that does not cause a substantial change and is submitted for approval pursuant to Section 6409(a) and the FCC's regulations at 47 CFR 1.40001 and following sections.

(14) *Secure correctional facility*. See *Correctional facility*.

(15) *Secure detention*. See *Correctional facility*.

(16) *Secure facility*. See *Correctional facility*.

(17) *Secure treatment*. See *Human services programs or facilities*.

(18) *Sensitive area* means an area of land which contains environmental or potential geological hazards, and which, if altered, may cause damage to the environment.

(19) *Septic holding tank (Chapter 21-17)* means a watertight receptacle, used to contain septic waste. The contents of which are exhaled and disposed of at a waste disposal facility.

(20) *Septic tank system (Chapter 21-17)* means a generally watertight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

(21) *Setback*. The setback for all structures is the shortest distance between the property line and the building or any portion thereof excluding the following:

- a. Window awnings and unenclosed front entry and steps not protruding more than five feet into the setback area.
- b. Uncovered patios.
- c. Decks and balconies not greater than two feet in height from grade, and not less than four feet from the rear property line and eight feet from the side property line.
- d. Decks and balconies not greater than eight feet above grade and not less than ten feet from the rear lot line.
- e. Chimney and roof overhangs protruding no greater than two feet into the setback area.

(22) *Sexually oriented business* means adult businesses, nude entertainment businesses, semi-nude dancing bars, outcall services, and nude and semi-nude dancing agencies as defined in Chapter 16-2.

(23) *Shelter*. See *Correctional facility*.

(24) *Sheltered workshop* means a nonresidential facility providing supervised educational or vocational training facility for persons with a disability.

(25) *Sight visibility triangle* means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines (or a right-of-way line and the high back of curb or edge of a driveway).

(26) *Sign* means every message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. This definition shall include all flags of any type. This definition shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

(27) *Sign, abandoned*, means a sign which no longer correctly directs or influences any person, advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.

(28) *Sign, advertising*, means a sign which attracts or directs attention to a use, product, commodity, or service either related or not related to the premises on which the sign is located.

(29) *Sign, advertising bench*, means a bench for public use and convenience which is painted or otherwise covered with advertisement.

(30) *Sign, advertising statuary*, means a stature or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

(31) *Sign, A-frame*, means any sign, structure, or configuration composed of one or two sign faces mounted or attached on the top, back-to-back in such a manner as to form a basically triangular vertical cross-section.

(32) *Sign, animated*, means a sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights.

(33) *Sign area* means the portion of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same object shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees.

(34) *Sign, awning*, means an awning having copy or logo, or which is back-lit, externally illuminated, or non-illuminated.

(35) *Sign, banner*, means a flag or banner constructed of cloth, canvas or light fabric that is hung from a light pole.

(36) *Sign, blade*, means signs projecting perpendicular from the wall having a certain distance from the wall and a certain clearance above the ground.

(37) *Sign, blade banner*, means a vertical banner supported by a durable pole.

(38) *Sign, business*, means a sign which identifies a business or use conducted, product or commodity sold, or service performed upon the premises on which it is located.

(39) *Sign, canopy*, means any sign attached to the underside or constructed upon a canopy.

(40) *Sign, changeable copy*, means a sign on which the copy is changed manually or electrically, such as a message center or reader boards with changeable letters or changeable pictorial panels, and electronically controlled time and temperature signs. The term "changeable copy sign" does not include poster panels or painted bulletins.

(41) *Sign, community*, means temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung in a vertical fashion from light poles or on buildings, of solely a decorative, festive, and/or informative nature, announcing activities, promotions, events, seasonal or traditional themes having broad community interest and which are sponsored or supported by Sandy City or a local community based nonprofit organization.

(42) *Sign, community event banner*, means a temporary secured banner that is attached to a public light pole that the City has installed for a specific purpose and limited duration.

(43) *Sign, exterior stadium*, means signs designed to be viewed from the exterior of a major sports venue.

(44) *Sign, field boards*, means non-illuminated, static graphics on a portable hard surface inside a major sports venue.

(45) *Sign, flag, commercial*, means flag signs which are made of cloth and express messages which are primarily commercial in nature.

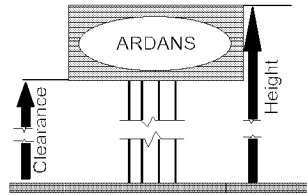
(46) *Sign, flag, noncommercial*, means flag signs which are made of cloth and express messages which are not primarily commercial. Such flags may include, but not be limited to, flags of governmental entities, flags identifying the person, institution, organization or corporation occupying a property, or solid color, patterned or artistic designs.

(47) *Sign, flagpole, illuminated*, means flagpoles which are internally illuminated or have lighting attached to the pole for purposes of drawing attention to a business location. This shall not include poles which have lighting attached to or directed towards a pole for purposes of illuminating the flag.

(48) *Sign, flashing*, means a sign or parts thereof which is intermittently on and off or which revolves in such a manner to create the illusion of being on and off, with the exclusion of time and temperature signs.

(49) *Sign, flat*, means a sign erected parallel to and attached to the outside wall of a building and extending out not more than 18 inches from such wall with messages or copy on the face side only.

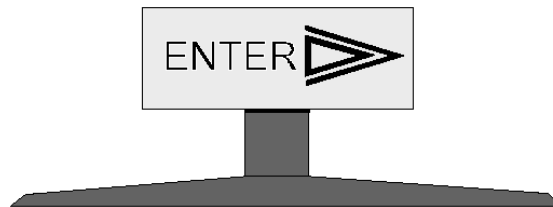
(50) *Sign, floodlighted*, means a sign made legible in the absence of daylight by devices which reflect or project light upon it.



(51) *Sign, freestanding (or pylon sign)*, means a sign that is mounted on a support structure so that the bottom edge of the sign is six feet or more above grade.

(52) *Sign, grandstand*, means single-face signs that are attached to fixed seats.

(53) *Sign, guide and directional*, means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly- or privately-owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural beauty or naturally suited to outdoor recreation. Directional signs may also be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain.



(54) *Sign, home occupation*, means a sign identifying a home occupation legally existing on the premises.

(55) *Sign, illuminated*, means any sign directly lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

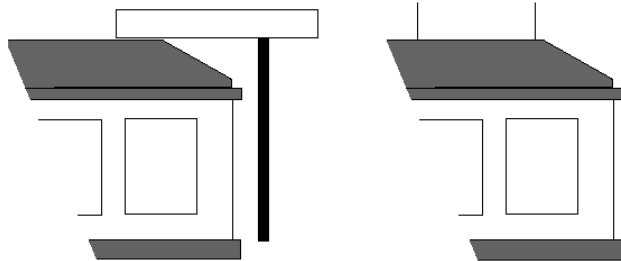
(56) *Sign, interior*, means a sign located within a building so as to be visible only from within the building in which the sign is located.

(57) *Sign, interior stadium*, means signs designed to be viewed by spectators and visitors to the major sports venue and only incidentally seen from the exterior or areas accessible by non-paying visitors.

(58) *Sign location*, means a lot, site or premises, building, wall, or any place wherever a sign is erected, constructed or maintained.

(59) *Sign, marquee*, means a sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, a freestanding sign, a wall sign, or attached to a canopy.

- (60) *Sign, menu board*, means a sign that is used to advertise the product available at a restaurant.
- (61) *Sign, monument*, means a low sign (where the top edge of sign is six feet high or lower) where the extent of the sign surface is attached to the ground or a foundation in the ground, and where there are no poles, braces, or other visible means of support other than attachment to the ground.
- (62) *Sign, name plate*, means a sign indicating the name and/or occupation of persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.
- (63) *Sign, naming right*, means signs with the stadium name.
- (64) *Signs, noncommercial opinion*, means a sign that does not advertise products, goods, businesses, or services and that expresses an opinion or other point of view.
- (65) *Sign, nonconforming*, means a sign or sign structure of portion thereof lawfully existing when the relevant regulation first became effective, which does not now conform to all regulations prescribed in the district in which it is located.
- (66) *Sign, off-premises*, means an advertising sign which directs attention to a use, product, commodity, or services not related to the premises on which it is erected.
- (67) *Sign, on-premises*, means a sign which directs attention to a business, commodity, product, use, service or other activity which is sold, offered or conducted on the premises upon which the sign is located.
- (68) *Sign, portable*, means a sign that is not permanently affixed to a structure or the ground and is movable, such as A-frame or T-frame signs. This definition does not include any signs on trailers or vehicles.
- (69) *Sign, projecting*, means a sign attached to a building and extending in whole or in part more than 18 inches beyond any wall of the building.
- (70) *Sign, property*, means a temporary sign related to the property on which is located advertising contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.
- (71) *Sign, public necessity*, means signs installed, or required to be installed, by a unit of government for control of traffic and other regulatory purposes, including street, danger and warning, railroad crossing, hospital, wayfinding, trailblazing, directional or warning signs for public service and construction companies, utilities or institutions, signs specifically designed to meet the requirements of the Americans with Disabilities Act, or signs erected by or on the order of a public officer in the performance of his public duty.
- (72) *Sign, pylon*. See *Sign, freestanding*.
- (73) *Sign, real estate*, means a temporary sign related to the property on which it is located and offering such property for sale or lease.
- (74) *Sign, roof*, means a sign erected partly or wholly freestanding on or over the roof of a building.



(75) *Sign, rotating*, means a revolving sign in which all or a portion of the sign moves in a revolving or similar manner, with the exclusion of time and temperature signs.

(76) *Sign, scoreboard*, means a changeable copy sign typically used for scores, game updates and replays located on a structure facing the playing field.

(77) *Sign, seasonal or holiday*, means such signs as Christmas decorations, to include those used for a historic holiday and installed for a limited period of time.

(78) *Sign, snipe*, means a sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, or fences, or other objects with the message appearing thereon.

(79) *Sign, sponsorship scrim panel*, means lightweight perforated fabric with graphics applied to the surface, attached with a tension system.

(80) *Sign, sports field fencing*, means single faced signs that are permanently attached to the fence that surrounds a private park which is associated with a major sports venue.

(81) *Sign, spot light*. See *Search light*.

(82) *Sign, structure*, means the supports, uprights, bracing, cables and framework of a sign or outdoor display.

(83) *Sign, suspended*, means a sign which is hung from a roof, pole, canopy or other similar structure.

(84) *Sign, temporary*, means a banner, pennant, valance or advertising display constructed of paper, cloth, canvas, fabric, cardboard, wall board or other materials, with or without frames, intended to be displayed in or out of doors for a short period of time; shall include political signs, special events signs, special business promotions or portable signs.

(85) *Signs, trailblazing*, means off-premises signs with the purpose of providing directions from the State Highway to an advertised business, major destination, or tourist attraction.

(86) *Signs, tunnel*, means flat non-illuminated signs mounted above the player tunnel in a major sports venue.

(87) *Sign, vehicle*, means any sign that is mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, or other motorized vehicles or equipment.

(88) *Sign, wall*, means a building-mounted sign either attached to or displayed or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 18 inches from such surface.

(89) *Sign, wayfinding*, means a directional sign that guides the traveling public to key civic, visitor, and recreational destinations within a specific region.

(90) *Sign, wind*, means any propeller or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including pennants, flags or banners.

(91) *Sign, window*, means a sign either attached to a window or door or located within a building so as to be visible through a window or door from outside of the building.

(92) *Site change* means changes to the existing site improvements.

(93) *Site plan* means a plan which outlines the use and development of any tract of land within Sandy City for the purposes of meeting the requirements set forth in this title.

(94) *Skatepark* means a public facility that is designed for use by persons riding skateboards, in-line skates, roller skates, or bicycles.

(95) *Sludge or biosolids (Chapter 21-17)* means the solids separated from wastewater during the wastewater treatment process.

(96) *Small health care facility*. See *Health care facilities*.

(97) *Small wireless communications facility* means a type of wireless facility:

- a. On which each wireless service provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
- b. For which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:
 1. Electric meter;
 2. Concealment element;
 3. Telecommunications demarcation box;
 4. Grounding equipment;
 5. Power transfer switch;
 6. Cut-off switch;
 7. Vertical cable run for the connection of power or other service;
 8. Wireless service provider antenna; or
 9. Coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

(98) *Social detoxification*. See *Human services programs or facilities*.

(99) *Social or reception center, fraternal organizations*, means a building or group of buildings and/or uses owned or maintained by an association or organization for the fraternal, social and/or recreational purposes of certain groups. This may include a meeting hall, cooking and dining facilities for large groups, but shall not provide overnight lodging. This definition shall include, but not be limited to, fraternal organizations and senior citizen centers, and privately-operated reception centers.

(100) *Solar energy systems* means an energy system which converts solar energy to useable thermal, mechanical, chemical, or electrical energy.

(101) *Solar equipment* means any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

(102) *Solid waste conversion facility* means a facility which utilizes a technology or process which converts municipal solid waste to electricity or fuel and which may include a recycling facility as an ancillary use.

(103) *Solid waste disposal facility* means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating solid waste.

(104) *Specialty hospital*. See *Health care facilities*.

(105) *Special use permit* means a specific approval that has been determined to be less intense or to have potentially minor impacts on surrounding properties than a conditional use within the same zoning district. Special uses have specific conditions of approval that are found within Chapter 21-11.

(106) *Stadium* means a commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The sports area may also be used for entertainment and other public gathering purposes such as conventions, circuses, or concerts.

(107) *Start of construction* includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(108) *Step back architecture* means physical design for mid-rise and higher buildings by setting the building facade away from the street on successively higher stories, and which includes expansive glass areas, balconies, terraces, and landscape features and architectural elements.

(109) *Storage (mini-storage) facilities* means a building or series of buildings for which individual storage space is rented for storage purposes only.

(110) *Story* means that portion of a building included between the surface of the floor and the ceiling next above it other than the basement.

(111) *Street* means a public thoroughfare which affords principal means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

(112) *Street, arterial; major and minor*, means providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City.

(113) *Street, collector; major and minor*, means providing for traffic movement between major arterials and local streets, and direct access to abutting property. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City.

(114) *Street, local*, means providing for direct access to abutting land, and for local traffic movements. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City.

(115) *Street, private*, means a right-of-way or easement in private ownership, not dedicated or maintained as a public street that serves more than two lots and is greater than 150 feet in length.

(116) *Streetscape Plan* means the Streetscape section of the Growth, Land Use and Community Identity chapter of the Sandy City General Plan.

(117) *Street vendors* means a use consisting of a portable stand/cart and any related accessory appurtenances such as awning, canopy, or seating used for the retail sales of goods including, but not limited to, beverages, food, and flowers.

(118) *Structure* means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition. Any structure two feet or above in grade shall meet all underlying zoning requirements.

(119) *Subdivision* means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. The term "subdivision" includes:

- a. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- b. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(120) *Subgrade* means either the soil prepared and compacted to support a structure or a pavement system, or the elevation of the bottom of the trench in which a sewer or pipeline is laid.

(121) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(122) *Substantial improvement.*

- a. The term "substantial improvement" means any repair, reconstruction, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
 1. Before the improvement or repair is started; or
 2. If the structure has been damaged and is being restored, before the damage occurred.
- b. The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:
 1. Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications which have been identified by the local code Enforcement Official and which are the minimum necessary to ensure safe living conditions; or
 2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- c. The term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(123) *Substantial modification* means:

- a. A proposed modification or replacement to an existing wireless support structure that will substantially change the physical dimensions of the wireless support structure under the substantial modification standard established in 47 CFR 1.40001(7); or
- b. A proposed modification in excess of the site dimensions specified in 47 CFR Part 1, Appendix C, § III.B.

An explanatory note: The thresholds for a substantial modification outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial modification would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, which is the date that Congress passed Section 6409(a).

(124) *Support staff* means persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.

(125) *SWF* means small wireless communication facility.

(126) *Swimming pool* means a constructed pool used for bathing or swimming, which is over 24 inches in depth, or with a surface area exceeding 250 square feet.

(127) *Swimming pool, private*, means a pool which is used or intended to be used as a swimming pool in connection with a residence and available only to the family of the householder and his private guests.

(128) *Swimming pool, semi-private*, means a pool which is used or intended to be used in connection with a neighborhood recreational facility or a multifamily development.

(129) *Swimming school* means an establishment for the instruction of children or adults in the swimming arts and sports, including diving, treading water, strokes, and life saving techniques. A swimming school does not include instruction on snorkeling, underwater swimming with breathing apparatus, or other similar instruction.

(LDC 2008, § 15A-37-20; Ord. No. 09-03, 2-6-2009; Ord. No. 09-35, 12-7-2009; Ord. No. 10-31, 8-8-2010; Ord. No. 11-22, 11-21-2011; Ord. No. 11-24, 12-5-2011; Ord. No. 13-13, 6-5-2013; Ord. No. 13-19, 8-15-2013; Ord. No. 15-30, 9-12-2015; Ord. No. 15-34, 11-16-2015; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-21. "T" Definitions.

(1) *Tattoo* means a permanent design or mark made on the skin by pricking it and ingraining in it an indelible pigment, or by raising scars on it.

(2) *Tattoo parlor* means any business establishment which operates tattoo equipment to inject ink or otherwise modify human skin for the purposes of decoration.

(3) *Tavern*. See *Alcoholic beverage establishments*.

(4) *Technical necessity exception* means the allowance of a facility to be maintained because of engineering or technological incapability or significant implacability reasons.

(5) *Telecommunications Review Group* is comprised of the directors of the Sandy City departments of Community Development, Public Works, and Public Utilities, and the City Attorney, or their designees, and others appointed from time to time by the City's CAO.

(6) *Tennis club*. See *Recreation, indoor or outdoor*.

(7) *Ten-year storm* means a storm having a ten percent chance of annual occurrence.

(8) *Territorial reinforcement* means physical design which encourages users of property to develop ownership over it, developing space with an easily discernable purpose, using symbolic barriers such as low lying fences/wall, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.

(9) *Theater* means a building used primarily for the presentation of movies projected upon a screen; may include ancillary uses such as arcades. The term "theater" also includes a building used primarily for the presentation of live stage productions or performances or open air theater for performing arts.

(10) *Topping* means the internodal cutting back (between existing stem and/or branch nodes), dehorning or pollarding of stems or branches, resulting in the severe alteration of the species' genetic structural characteristics.

(11) *Townhouse* means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

(12) *Trade or vocational school* means a post-high school educational or vocational training facility.

(13) *Traditional neighborhood development* means physical design, mixed use or stand-alone, which promotes pedestrian activity by incorporating guidelines controlling architectural elements, entrances and sidewalks oriented to the street, walkways, driveways, landscaping, street design and streetscape, and other pedestrian elements.

(14) *Transitional care development* means a cohesive development created primarily for the care and housing of the elderly and/or persons with a disability. To qualify under this definition, the development must contain at least two of the following land use classifications:

- a. Single-family unit development (either detached or attached, such as a traditional home or twin home development).
- b. Congregate care facility.
- c. Assisted living facility.
- d. Nursing home/convalescent home/rest home.
- e. Hospice.
- f. Small health care facility.

(15) *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides free temporary housing to homeless persons for no more than 30 days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:

- a. A homeless shelter;
- b. A dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than 30 days; and
- c. A residential facility for persons with a disability.

(16) *Travel time contour (Chapter 21-17)* means the locus of points that form a line of any configuration in space from which groundwater particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, as predicted by the Refined Salt Lake Valley MODFLOW/MODPATH model copyrighted.

(17) *Tree, City*, means all trees and shrubs located in a City-owned parkstrip or on other City-owned and/or maintained property.

(18) *Tree, hazard*, means any tree determined to be a public nuisance, which may include, but not be limited to, the following:

- a. Any tree that is host to a communicable disease, destructive disease or other pestilence.
- b. Any tree, the roots or any other portion of which, causes the surface of a public street, curb, gutter or sidewalk to be up-heaved or otherwise disturbed creating a threat to the public health, safety or welfare.
- c. Any tree or portion thereof which, by reason of location and/or structural defect, increases the chance of failure of the tree and increases the risk to the health, safety or well-being of the public.
- d. Any tree or portion thereof which, by reason of location and/or condition, impedes a public right-of-way or may cause a threat to the public health, safety or welfare, including any tree adjacent to any sidewalk used as a public right-of-way which is not pruned from either edge of the right-of-way vertically to a height of eight feet above the surface of sidewalk or any tree adjacent to a roadway which is not pruned to a height of 14 feet vertically from back of curb or is not pruned as is deemed necessary by the City Transportation Engineer.
- e. Any tree or portion thereof which interferes with adequate street light coverage of public rights-of-way.

(19) *Tree, private*, means any and all trees and shrubs now and hereafter growing on private property within Sandy City and which are not defined or designated herein as City trees.

(20) *Tree stewardship program* means the ongoing and shared responsibility between public and private parties for the protection, care and renewal of trees.

(21) *Twin home* means a residential structure composed of two dwellings set side by side and sharing a common wall and separation wall. Each dwelling is constructed on its own building lot and is sold separately from the adjoining attached dwellings.

(LDC 2008, § 15A-37-21; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-22. "U" Definitions.

- (1) *UAC* means the Utah Administrative Code.
- (2) *Urban forest* means vegetation on the City's public lands.
- (3) *Urban Forester* means the Sandy City employee designated to carry out work duties associated with the urban forest.
- (4) *Urban forestry* means the planning, design and management of vegetation on public lands in and around communities to maximize their visual, economic and environmental contributions to the well-being of the community.

(5) *Urban wildland interface* means a geographical area where structures and other development meets or intermingles with wildland or vegetative fuels.

(6) *Usable land* means that contiguous parcel of natural land and/or compacted (engineered) fill, as permitted by this title or the International Building Code, included within the lot (including setbacks), no part of which has a slope exceeding 30 percent.

(7) *Use* means the activities occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

(8) *Use change* means changing the use of the property from that which was intended by the original site plan to another use that will require changes to the original approved site plan.

(9) *Use, change of business*, means change within the classified use of a structure, or any portion of multi-tenant structure such as from one retail business to another which does not increase the size or occupancy capacity of the structure.

(10) *Use, temporary*, means a use that is to be conducted for a fixed period of time with intent to discontinue such use upon expiration of the time period. Temporary uses are characterized by such activities as the sale of agricultural products produced on the premises on which they are sold, contractor's offices and equipment sheds, Christmas tree and firework sales, and carnivals.

(11) *USGS* means the United States Geological Survey.

(12) *Utilities* includes natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the City.

(13) *Utility easement* means the area designated for access to construct or maintain utilities on privately- or publicly-owned land.

(14) *Utility pole*.

a. The term "utility pole" means a pole or similar structure that is in a right-of-way and is or may be used, in whole or in part, for:

1. Wireline communications;
2. Electric distribution;
3. Lighting;
4. Traffic control;
5. Signage;
6. A similar function to a function described in Subsections (1)a—e of this definition; or
7. The collocation of a small wireless facility.

b. The term "utility pole" does not include: a wireless support structure; a structure that supports electric transmission lines; or a municipally owned structure that supports electric lines used for the provision of municipal electric service.

(LDC 2008, § 15A-37-22; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-23. "V" Definitions.

(1) *Variance* means a legal divergence from this title granted by the Board of Adjustment.

(2) *Vehicle* means a machine propelled by power other than human power, and includes campers, trailers, and other equipment designed to be carried upon or towed behind such powered vehicle, designed to travel along the ground by use of wheels, treads, runners or slides, or upon such vehicle, and transport persons or property or pull machinery, and shall include, without limitation, automobile, airplane, truck, trailer, camper, motorcycle, motor scooter, recreational vehicle, tractor, buggy and wagon.

(3) *Vehicle, junk*, means any vehicle that:

- a. Has been made inoperable due to a collision or other violent act;
- b. Has had parts removed from the vehicle rendering the vehicle inoperable, or contains defective parts making the vehicle inoperable, and has remained in such state for a period longer than 30 days. Portions of junk vehicles, such as hoods, fenders, radiators, rims, motors, etc., not being immediately utilized for the repair of a motor vehicle, shall be considered junk; or
- c. Is not licensed or registered and is in a condition of deterioration or disrepair, that includes, but is not limited to, a vehicle that is or has any of the following conditions: dismantled, broken windows, broken head or tail lights, flat tires, no tires, missing doors, missing windows, missing paint, missing fenders, missing hood or missing trunk.

(LDC 2008, § 15A-37-23; Ord. No. 10-27, 7-30-2010)

Sec. 21-37-24. "W" Definitions.

(1) *Warehouse, wholesale*, means a building in which goods, merchandise or equipment are stored for eventual distribution. No outside storage is permitted.

(2) *Waste transfer station* means a facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

(3) *Water efficient landscaping* means a set of garden design and landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought tolerant landscaping.

(4) *Well* means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.

(5) *Wellfield (Chapter 21-17)* means an area of land which contains one or more drinking water supply wells.

(6) *Wind energy conversion system* means any device, such as a wind charger, wind turbine or windmill, that converts wind power to another form of energy.

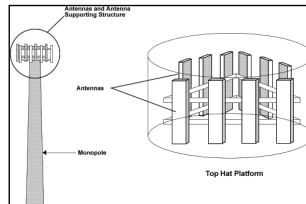
(7) *Wireless service* means any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a wireless facility. The term "wireless service" includes the use of Wi-Fi.

(8) *Wireless service provider* means a company or other entity providing wireless cell service, or a company providing services to such a company or entity by contract.

(9) *Wireless telecommunications facilities*. The following definitions are specific to wireless telecommunications facilities:

- a. *Antenna* means any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials, and shapes including, but not limited to, solid or wire-mesh dish, horn, spherical or bar configuration used for the transmission or reception of radio signals. Types of antennas include:
 1. *Roof-mounted antenna* means an antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall which is on the roof top of a building.
 2. *Top-hat antenna* means a spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna-mounting structures are more than three feet in width as viewed looking directly at the structure.

Top Hat Antenna



- 3. *Utility pole antennas* means any antenna mounted directly to a street light pole. This definition shall not include poles carrying electrical lines, telephone lines or any other type of utility not specifically included above.
- 4. *Wall-mounted antenna* means any antenna mounted directly to the fascia or outside wall of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.
- 5. *Whip antenna* means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.
- b. *Antenna support structure* means a structure the principle purpose of which is for location of antennas. Types of antenna support structures include:
 1. *Lattice tower* means a self-supporting multiple sided, open steel frame structure used to support one or more antennas.

2. *Monopole* means a freestanding antenna support structure placed directly on the ground used to support one or more antennas.
 - c. *Co-location* means a telecommunications facility comprising more than one telecommunications provider's antennas.
 - d. *Equipment facility* means any building, shelter or cabinet used by telecommunication providers to house switching, backup or other equipment at a telecommunications facility.
 - e. *Non-stealth design* means any antenna or equipment facility not camouflaged in a manner to blend with surrounding land uses, features or architecture. The design does not conceal the intended use of the telecommunications facility. A monopole with equipment facilities above ground and unscreened would be considered non-stealth.
 - f. *Residential institutional use* means a school, church, clubhouse or public building in a residential zone where stealth antennas may be permitted. This definition does not include residences or multifamily structures containing one or more residential units.
 - g. *Stealth* means antennas, antenna support structures and equipment facilities camouflaged or designed to blend with surrounding land uses, features, and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility such as heavy landscaping, installing telecommunications facilities within existing buildings, or placing equipment facilities underground. A flush wall mount antenna painted the same color as the background, located on a building where the equipment facility is located inside said building would be considered stealth design.
 - h. *Telecommunications facility* means an unmanned structure which consists of equipment, including antennas, antenna support structures and equipment facilities as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as "cellular" or "PCS" (Personal Communications System) communications and paging systems.
- (10) Wireless telecommunications facility.
- a. The term "wireless telecommunications facility" means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including equipment associated with wireless communications; and, regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.
 - b. The term "wireless facility" does not include the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is between wireless structures or utility poles, not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility.

(LDC 2008, § 15A-37-24; Ord. No. 13-19, 8-15-2013; Ord. No. 18-28, § 1(15A-38), 9-20-2018)

Sec. 21-37-25. "X" Definitions.

- (1) *Xeriscaping* means landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

(LDC 2008, § 15A-37-25)

Sec. 21-37-26. "Y" Definitions.

(1) *Yard* means an open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this title.

(2) *Yard, front*, means:

- a. For an interior lot: an open, unoccupied, space in the same lot with a building between the front line of the building and the street right-of-way or front property line, whichever distance is the shortest.
- b. For a corner lot: an open, unoccupied space on the same lot with the main building and between the front line of the building and the front street line, also between the side line of the building adjacent to the street and the side street line and extending for the full width and depth of the lot; or the shortest distance across said space from the main building to the street line.

(3) *Yard, rear*, means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

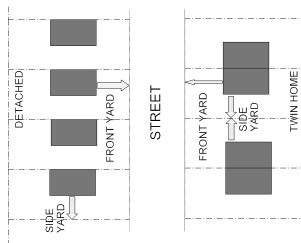
(4) *Yard, side*, means an open, unoccupied space on the same lot with the building and between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

(5) *Youth Program*. See *Human services programs or facilities*.
(LDC 2008, § 15A-37-26)

Sec. 21-37-27. "Z" Definitions.

(1) *Zero lot line development* means:

- a. Single-family dwellings arranged on individually owned lots as either detached structures with one side wall of the main building on a side property line (or as twin homes with the separation wall on the property line).



- b. Twin home, attached (see *Twin home*).

(2) *Zone change* means the legislative act of re-zoning one or more lots or parcels.

(3) *Zoological gardens* means an area, building, or structures which contain wild animals on exhibition for viewing by the public.

(LDC 2008, § 15A-37-27)

CHAPTER 21-38. SPORTS AND RECREATION OVERLAY ZONE**Sec. 21-38-1. Purpose.**

It is the purpose of this chapter to provide criteria and standards for allowing a freestanding sign on a separate parcel having freeway frontage for a major recreational complex (meaning a commercially-operated facility that generates regional attendance and is predominately used for outdoor recreational purposes, including, but not limited to, amusement parks, stadiums, arenas, major sports venues), which is remote from the freeway to provide identification for the complex, its activities or events and efficient means of access to the complex.

(LDC 2008, § 15A-38-01)

Sec. 21-38-2. Boundaries.

The Sports and Recreational Overlay Zone shall be confined to the boundaries between 9000 South and 9400 South and between Interstate 15 (I-15) to State Street.

(LDC 2008, § 15A-38-02)

Sec. 21-38-3. Uses Allowed.

A major recreational complex, which is remote from the freeway and has a minimum of 20 acres, may be allowed by the Planning Commission as part of a sign package to have one freestanding sign on a parcel with freeway frontage, where such signage is needed primarily to help freeway travelers identify such complex and efficient means of access to it where such message cannot be communicated effectively on-site. A sign allowed along the freeway under the provisions of this zone are to be in lieu of a freestanding sign that would otherwise be allowed on one of the major recreational complex existing frontages.

(LDC 2008, § 15A-38-03)

Sec. 21-38-4. Criteria.

In order to be allowed a freestanding sign by the Planning Commission, the site must comply with the following criteria:

- (1) *Acreage.* The major recreational complex development site must be at least 20 acres in size.
- (2) *Land Use.* The land use on the site must be a major recreational complex.
- (3) *Remote Location.* The major recreational complex must be remote from the freeway (i.e., be at least 1,000 feet from the property line closest to the right-of-way of I-15 to the nearest property line of the parcel upon which the complex is located).
- (4) *Signage Parcel.* The signage parcel on which a freestanding sign may be located must be a minimum of 4,000 square feet in size and have a minimum of 20 feet of freeway frontage along a publicly-dedicated street. Use of the signage parcel may be combined with another use overlapping from an adjoining parcel, provided at least one such use occupies a minimum of 100 feet of frontage and the overlapping use provides parking or other service complementary to the recreational use. This signage parcel must be owned by the owner of the major recreational

complex, or the owner of the parcel upon which the complex is located. If the ownership of the sign or the signage parcel on which it sits changes from being in the same ownership as the major recreational complex, or the owner of the parcel upon which the complex is located, the sign permit is voided and the sign shall be removed from the property.

- (5) *Sign Package.* The proposed freestanding sign shall be included as part of the overall sign package that is reviewed by the Planning Commission to be evaluated for compliance with Chapter 21-26.
- (6) *Traffic.* In order to qualify for the freestanding sign, 55 percent of the average attendance for the majority of events at the complex shall come from I-15.

(LDC 2008, § 15A-38-04; Ord. No. 09-16, 6-12-2009)

Sec. 21-38-5. Standards for Freestanding Sign.

(a) *Height Standards.* A maximum of 75 feet for a freestanding sign may be approved by the Planning Commission. If the signage parcel is in proximity to a freeway overpass or similar view obscuring structure which interferes with the purposes for which the use was approved (excluding vegetation), the height may be increased based on the following criteria and submittals:

- (1) A topographic map with one-foot interval contours is provided to illustrate existing conditions at the site.
- (2) Visual simulations or scaled profile drawings are provided which illustrate the required and requested sign heights in relation to the view obscuring structure.
- (3) The height is the minimum necessary to provide reasonable visibility above the view obscuring structure.

(b) *Area Standards.* The sign area shall not exceed 1,000 square feet in area. Identification of the major recreational complex (including naming rights), complex activities and means of access to the complex may occupy up to 100 percent of the total area of the sign face. Changeable copy areas, such as reader boards and electronic message centers, in combination with the naming rights signs, may occupy up to 75 percent of the total area of the sign face. Messages, other than identification of the complex, complex activities or events, or means of accessing the complex, may occupy up to 25 percent of the total area of the sign face. The total square footage of all non-changeable copy areas shall not be larger than the electronic message center or the area of the sign face containing the identification of the major recreational complex, complex activities and means of access.

(c) *Location Standards.* The support structure of the sign must be located at least ten feet from the front property line. No portion of the sign may extend beyond any property line. Sign structures within the sight visibility triangle may be allowed with the permission of the City Transportation Engineer if alternate equivalent traffic safety measures are imposed, if necessary.

(d) *Design Standards.* All such signs must have the structural supports covered or concealed with pole covers (pylon covers). The covers must utilize design and materials which are architecturally compatible to the major recreational complex to which it is associated.

(e) *Landscape Standards.* The front ten feet of the property must be landscaped according to standards in this title. All such signs must be incorporated into a landscape design or planter box. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. Removal of required landscaping to facilitate sign placement must be in compliance with the commercial standards in this title.

(f) *Separation Standards.* Signs over 50 feet in height shall be separated by a minimum of 500 feet from every other sign over 50 feet in height which is within this overlay zone.

(g) *Message Standards.* The primary use of the sign shall be to help freeway travelers identify the major recreational complex, complex activities and efficient means of access to it.
(LDC 2008, § 15A-38-05; Ord. No. 09-06, 3-5-2009; Ord. No. 09-16, 6-12-2009)

APPENDIX A AGRICULTURAL DESIGN AND CAIRNS DESIGN STANDARDS*

AGRICULTURAL DESIGN STANDARDS

CAIRNS DESIGN STANDARDS

***Editor's note**—This appendix consists of hyperlinks to the following standards and has been prepared for use in the online Code.

CODE COMPARATIVE TABLE

1978 REVISED ORDINANCES

This table gives the location within this Code of those sections of the 1978 Revised Ordinances, as supplemented through February 7, 2017, that are included herein.

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
1-1-1	1-1-1	3-1-14	12-1-14
1-1-1	1-1-10	3-1-15	12-1-15
1-1-2	1-1-4	3-1-16	12-1-16
1-1-2	1-1-9	3-1-17	12-1-17
1-1-3	1-2-2	3-1-18	12-1-18
1-1-4	1-1-2	3-1-19	12-1-19
1-1-9	1-1-7	3-1-20	12-1-20
1-2-1	1-2-2	3-1-21	12-1-21
1-2-2	1-2-3	3-1-22	12-1-22
1-2-3	1-2-4	3-1-23	12-1-23
1-2-4	1-2-1	3-1-24	12-1-24
1-2-5	1-2-1	3-1-25	12-1-25
1-2-6	1-2-5	3-1-26	12-1-26
1-3-1	1-3-1	3-1-27	12-1-27
1-3-2	1-3-2	3-1-28	12-1-28
1-3-3	1-3-3	3-1-29	12-1-29
1-3-4	1-3-4	3-1-30	12-1-30
1-3-5	1-3-5	3-1-31	12-1-31
1-3-6	1-3-6	3-1-32	12-1-32
1-3-7	1-3-7	3-2-1	12-2-1
1-3-8	1-3-8	3-2-2	12-2-2
1-3-9	1-3-9	3-2-3	12-2-3
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3-1-10	12-1-10	4-1-2	18-1-2
3-1-11	12-1-11	5-1-1	15-1-1
3-1-12	12-1-12	5-1-2	15-1-2
3-1-13	12-1-13	5-1-3	15-1-3

SANDY CITY CODE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
5-1-4	15-1-4	5-4-1	15-3-1
5-1-5	15-1-5	5-4-2	15-3-2
5-1-6	15-1-6	5-4-3	15-3-3
5-1-7	15-1-7	5-4-4	15-3-4
5-1-8	15-1-8	5-4-5	15-3-5
5-1-9	15-1-9	5-4-6	15-3-6
5-1-10	15-1-10	5-4-7	15-3-7
5-1-11	15-1-11	5-4-8	15-3-8
5-1-12	15-1-12	5-4-9	15-3-9
5-1-13	15-1-13	5-5-1	15-4-1
5-1-14	15-1-14	5-5-2	15-4-2
5-1-15	15-1-15	5-5-3	15-4-3
5-1-16	15-1-16	5-5-4	15-4-4
5-1-17	15-1-17	5-5-5	15-4-5
5-1-18	15-1-18	5-5-6	15-4-6
5-1-19	15-1-19	5-5-7	15-4-7
5-1-20	15-1-20	5-5-8	15-4-8
5-2-1	15-2-1	5-5-9	15-4-9
5-2-2	15-2-2	5-5-10	15-4-10
5-2-3	15-2-3	5-5-11	15-4-11
5-2-4	15-2-4	5-5-12	15-4-12
5-2-5	15-2-5	5-5-13	15-4-13
5-2-6	15-2-6	5-5-14	15-4-14
5-2-7	15-2-7	5-5-15	15-4-15
5-2-8	15-2-8	5-5-16	15-4-16
5-2-9	15-2-9	5-7-1	15-5-1
5-2-10	15-2-10	5-7-2	15-5-2
5-2-11	15-2-11	5-7-3	15-5-3
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5-2-14	15-2-14	5-7-6	15-5-6
5-2-15	15-2-15	5-7-7	15-5-7
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5-2-19	15-2-19	5-7-11	15-5-11
5-2-20	15-2-20	5-7-12	15-5-12
5-2-22	15-2-21	5-7-13	15-5-13
5-2-23	15-2-22	5-7-14	15-5-14
5-2-24	15-2-23	5-7-16	15-5-15
5-2-25	15-2-24	5-7-17	15-5-16
5-2-26	15-2-25	5-14-1	15-6-1
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5-2-28	15-2-27	5-14-3	15-6-3
5-2-29	15-2-28	5-14-4	15-6-4
5-2-30	15-2-29	5-14-5	15-6-5
5-2-31	15-2-30	5-14-6	15-6-6
5-2-32	15-2-31	5-14-7	15-6-7
5-2-33	15-2-32	5-14-8	15-6-8
5-2-34	15-2-33	5-14-9	15-6-9

CODE COMPARATIVE TABLE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
5-14-10	15-6-10	5-17-6	15-9-6
5-14-11	15-6-11	5-17-7	15-9-7
5-14-12	15-6-12	5-17-8	15-9-8
5-14-13	15-6-13	5-17-9	15-9-9
5-14-14	15-6-14	5-17-10	15-9-10
5-14-15	15-6-15	5-17-11	15-9-11
5-14-16	15-6-16	5-17-12	15-9-12
5-14-17	15-6-17	5-17-13	15-9-13
5-14-18	15-6-18	5-17-14	15-9-14
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5-14-20	15-6-20	5-17-16	15-9-16
5-14-21	15-6-21	5-18-1	15-10-1
5-14-23	15-6-23	5-18-2	15-10-2
5-14-24	15-6-24	5-18-3	15-10-3
5-14-25	15-6-25	5-18-4	15-10-4
5-14-26	15-6-26	5-18-5	15-10-5
5-14-27	15-6-27	5-18-6	15-10-6
5-14-28	15-6-28	5-18-7	15-10-7
5-14-29	15-6-29	5-18-8	15-10-8
5-14-30	15-6-30	5-18-9	15-10-9
5-14-31	15-6-31	5-18-10	15-10-10
5-14-32	15-6-32	5-18-11	15-10-11
5-14-33	15-6-33	5-18-12	15-10-12
5-14-34	15-6-34	6-1-1	4-1-1
5-14-35	15-6-35	6-1-2	4-1-2
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5-15-2	15-7-2	6-2-1	4-2-1
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5-15-7	15-7-7	6-3-2	4-3-2
5-15-8	15-7-8	6-3-3	4-3-3
5-15-9	15-7-9	6-3-4	4-3-4
5-15-10	15-7-10	6-3-5	4-3-5
5-15-11	15-7-11	6-3-6	4-3-6
5-16-1	15-8-1	6-4-1	4-4-1
5-16-2	15-8-2	6-4-2	4-4-2
5-16-3	15-8-3	6-4-3	4-4-3
5-16-4	15-8-4	6-4-4	4-4-4
5-16-5	15-8-5	6-4-5	4-4-5
5-16-6	15-8-6	6-4-6	4-4-6
5-16-7	15-8-7	6-4-7	4-4-7
5-16-8	15-8-8	6-4-8	4-4-8
5-16-9	15-8-9	6-5-1	4-5-1
5-17-1	15-9-1	6-5-2	4-5-2
5-17-2	15-9-2	6-5-3	4-5-3
5-17-3	15-9-3	6-5-4	4-5-4
5-17-4	15-9-4	6-5-5	4-5-5
5-17-5	15-9-5	6-5-6	4-5-6

SANDY CITY CODE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
6-5-7	4-5-7	7-6-27	13-6-1
6-5-8	4-5-8	7-7-15	13-7-1
6-5-9	4-5-9	7-8-30	13-8-1
6-5-10	4-5-10	7-9-1	13-9-1
6-5-11	4-5-11	7-9-9	13-9-1
6-5-12	4-5-12	7-9-14	13-9-2
6-5-13	4-5-13	7-9-14A	13-9-3
6-5-14	4-5-14	7-9-20	13-9-4
6-6-1	4-6-1	7-9-23	13-9-1
6-6-2	4-6-2	7-9-24	13-9-5
6-7-1	4-7-1	7-9-25	13-9-6
6-7-2	4-7-2	7-9-26	13-9-7
6-7-3	4-7-3	7-9-46	13-9-8
7-1-1	13-1-1	7-11-1	13-10-1
7-1-2	13-1-2	7-11-2	13-10-2
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7-1-6	13-1-6	7-12-2	13-11-2
7-1-7	13-1-7	7-12-3	13-11-3
7-1-8	13-1-8	7-12-4	13-11-4
7-1-9	13-1-9	7-12-5	13-11-5
7-1-11	13-1-10	7-12-6	13-11-6
7-1-11A	13-1-11	7-12-7	13-11-7
7-1-12	13-1-12	8-1-1	20-1-1
7-1-13	13-1-13	8-1-2	20-1-2
7-1-14	13-1-14	8-1-3	20-1-3
7-2-1	13-2-1	8-2-1	20-2-1
7-2-2	13-2-2	8-2-2	20-2-2
7-2-3	13-2-3	8-3-1	20-3-1
7-2-4	13-2-4	8-3-2	20-3-2
7-2-5	13-2-5	8-3-3	20-3-3
7-2-6	13-2-6	8-3-4	20-3-4
7-2-7	13-2-7	8-3-5	20-3-5
7-2-8	13-2-8	8-4-1	20-4-1
7-2-9	13-2-9	8-4-2	20-4-2
7-2-10	13-2-10	8-4-3	20-4-3
7-2-11	13-2-11	8-5-1	20-5-1
7-2-12	13-2-12	8-5-3	20-5-2
7-3-2	13-3-1	8-5-4	20-5-3
7-3-6	13-3-2	8-5-5	20-5-4
7-3-7	13-3-3	8-5-6	20-5-5
7-3-9	13-3-4	8-5-7	20-5-6
7-4-1	13-4-1	8-5-8	20-5-7
7-4-2	13-4-2	8-5-9	20-5-8
7-4-3	13-4-3	8-6-1	20-6-1
7-4-4	13-4-4	8-6-2	20-6-2
7-4-5	13-4-5	8-6-3	20-6-3
7-4-6	13-4-6	8-7-1	20-7-1
7-5-3	13-5-1	8-8-1	20-8-1

CODE COMPARATIVE TABLE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
8-8-2	20-8-2	11-1-10	7-1-10
8-8-3	20-8-3	11-1-11	7-1-11
8-9-1	20-9-1	11-1-12	7-1-12
8-9-2	20-9-2	11-1-13	7-1-13
8-9-3	20-9-3	11-1-14	7-1-14
8-9-4	20-9-4	11-1-15	7-1-15
8-9-5	20-9-5	11-1-16	7-1-16
8-10-1	20-10-1	11-1-17	7-1-17
8-10-2	20-10-2	11-1-18	7-1-18
8-10-3	20-10-3	11-1-19	7-1-19
8-10-4	20-10-4	11-1-20	7-1-20
8-10-5	20-10-5	11-1-21	7-1-21
8-10-6	20-10-6	11-1-22	7-1-22
8-10-7	20-10-7	11-1-23	7-1-23
9-1-1	19-1-1	11-1-24	7-1-24
9-1-2	19-1-2	11-1-25	7-1-25
9-1-3	19-1-3	11-1-26	7-1-26
9-1-4	19-1-4	11-1-27	7-1-27
9-1-5	19-1-5	11-1-28	7-1-28
9-1-6	19-1-6	11-2-1	7-2-1
9-1-7	19-1-7	11-2-2	7-2-2
9-1-8	19-1-8	11-2-3	7-2-3
9-2-1	19-2-1	11-2-4	7-2-4
9-2-2	19-2-2	11-2-5	7-2-5
9-2-3	19-2-3	11-2-6	7-2-6
9-2-4	19-2-4	11-2-7	7-2-7
9-3-1	19-3-1	11-2-9	7-2-8
9-3-2	19-3-2	11-2-10	7-2-9
9-3-3	19-3-3	11-2-11	7-2-10
9-4-1	19-4-1	11-2-12	7-2-11
9-4-2	19-4-2	11-2-13	7-2-12
9-4-3	19-4-3	11-2-14	7-2-13
9-4-4	19-4-4	11-3-1	7-3-1
9-4-5	19-4-5	11-3-2	7-3-2
9-4-6	19-4-6	11-3-3	7-3-3
9-4-7	19-4-7	11-3-4	7-3-4
9-4-8	19-4-8	11-3-5	7-3-5
9-4-9	19-4-9	11-3-6	7-3-6
9-4-10	19-4-10	11-3-7	7-3-7
9-5-1	19-5-1	12-1-1	16-1-1
9-6-1	19-6-1	12-1-2	16-1-2
11-1-1	7-1-1	12-1-3	16-1-3
11-1-2	7-1-2	12-1-4	16-1-4
11-1-3	7-1-3	12-1-5	16-1-5
11-1-4	7-1-4	12-1-6	16-1-6
11-1-5	7-1-5	12-1-7	16-1-7
11-1-6	7-1-6	12-1-8	16-1-8
11-1-7	7-1-7	12-1-9	16-1-9
11-1-8	7-1-8	12-1-10	16-1-10
11-1-9	7-1-9	12-1-11	16-1-11

SANDY CITY CODE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
12-1-12	16-1-12	13-1-10	10-1-10
12-1-13	16-1-13	13-1-11	10-1-11
12-1-14	16-1-14	13-1-12	10-1-12
12-1-15	16-1-15	13-1-13	10-1-13
12-1-16	16-1-16	13-1-14	10-1-14
12-1-17	16-1-17	13-1-15	10-1-15
12-1-18	16-1-18	13-1-16	10-1-16
12-1-19	16-1-19	13-1-17	10-1-17
12-2-1	16-2-1	13-1-18	10-1-18
12-2-2	16-2-2	13-1-19	10-1-19
12-2-3	16-2-3	13-1-20	10-1-20
12-2-4	16-2-4	13-1-21	10-1-21
12-2-5	16-2-5	13-1-22	10-1-22
12-2-6	16-2-6	13-1-23	10-1-23
12-2-7	16-2-7	13-2-1	10-2-1
12-2-8	16-2-8	13-2-2	10-2-2
12-2-9	16-2-9	13-3-1	10-3-1
12-2-10	16-2-10	13-3-2	10-3-2
12-2-11	16-2-11	13-4-1	10-4-1
12-2-12	16-2-12	13-4-2	10-4-2
12-2-13	16-2-13	13-4-3	10-4-3
12-2-14	16-2-14	13-4-4	10-4-4
12-2-15	16-2-15	13-4-5	10-4-5
12-2-16	16-2-16	13-4-6	10-4-6
12-2-17	16-2-17	13-4-7	10-4-7
12-2-18	16-2-18	13-4-8	10-4-8
12-2-19	16-2-19	13-4-9	10-4-9
12-2-20	16-2-20	13-5-1	10-5-1
12-3-1	16-3-1	13-5-2	10-5-2
12-3-2	16-3-2	13-5-3	10-5-3
12-3-3	16-3-3	13-5-4	10-5-4
12-3-4	16-3-4	13-5-5	10-5-5
12-3-5	16-3-5	13-6-1	10-6-1
12-3-6	16-3-6	13-7-1	10-7-1
12-3-7	16-3-7	13-7-2	10-7-2
12-3-8	16-3-8	13-7-3	10-7-3
12-3-9	16-3-9	13-7-4	10-7-4
12-3-10	16-3-10	13-7-5	10-7-5
12-3-11	16-3-11	13-7-6	10-7-6
12-3-12	16-3-12	13-7-7	10-7-7
12-3-15	16-3-13	13-7-8	10-7-8
13-1-1	10-1-1	13-7-9	10-7-9
13-1-2	10-1-2	13-7-10	10-7-10
13-1-3	10-1-3	13-7-11	10-7-11
13-1-4	10-1-4	13-7-12	10-7-12
13-1-5	10-1-5	13-7-13	10-7-13
13-1-6	10-1-6	14-1-1	8-1-1
13-1-7	10-1-7	14-1-2	8-1-2
13-1-8	10-1-8	14-1-3	8-1-3
13-1-9	10-1-9	14-1-4	8-1-4

CODE COMPARATIVE TABLE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
14-1-5	8-1-5	16-27-1	6-13-1
14-1-6	8-1-6	16-27-2	6-13-2
14-1-7	8-1-7	16-27-3	6-13-3
14-1-8	8-1-8	16-27-4	6-13-4
14-1-9	8-1-9	16-27-5	6-13-5
14-2-1	8-2-1	16-27-6	6-13-6
14-2-2	8-2-2	16-27-7	6-13-7
14-2-3	8-2-3	16-27-8	6-13-8
14-3-1	8-3-1	16-27-9	6-13-9
14-3-2	8-3-2	16-27-10	6-13-10
14-3-3	8-3-3	16-27-11	6-13-11
14-4-1	8-4-1	16-27-12	6-13-12
14-4-2	8-4-2	16-27-13	6-13-13
14-4-3	8-4-3	16-27-14	6-13-14
14-5-1	8-5-1	16-27-15	6-13-15
14-6-1	8-6-1	16-28-1	6-14-1
14-6-2	8-6-2	16-28-2	6-14-2
16-1-1	6-1-1	16-28-3	6-14-3
16-1-2	6-1-2	16-28-4	6-14-4
16-2-1	6-2-1	16-28-5	6-14-5
16-2-4	6-2-2	16-28-6	6-14-6
16-2-7	6-2-3	16-28-7	6-14-7
16-3-2	6-3-1	16-28-8	6-14-8
16-3-3	6-3-2	16-28-9	6-14-9
16-4-1	6-4-1	16-28-10	6-14-10
16-4-2	6-4-2	16-28-11	6-14-11
16-4-3	6-4-3	16-31-1	6-15-1
16-4-4	6-4-4	16-31-2	6-15-2
16-4-5	6-4-5	16-32-1	6-16-1
16-8-1	6-5-1	16-32-2	6-16-2
16-8-2	6-5-2	16-32-3	6-16-3
16-8-3	6-5-3	16-32-4	6-16-4
16-10-1	6-6-1	16-32-5	6-16-5
16-10-2	6-6-2	16-32-6	6-16-6
16-10-3	6-6-3	16-32-7	6-16-7
16-10-4	6-6-4	16-32-8	6-16-8
16-11-1	6-7-1	16-32-9	6-16-9
16-11-2	6-7-2	16-32-10	6-16-10
16-11-3	6-7-3	16-32-11	6-16-11
16-12-1	6-8-1	16-32-12	6-16-12
16-12-2	6-8-2	16-32-13	6-16-13
16-13-1	6-9-1	16-32-14	6-16-14
16-13-2	6-9-2	16-32-15	6-16-15
16-14-1	16-10-1	16-32-16	6-16-16
16-14-2	6-10-2	16-32-17	6-16-17
16-14-3	6-10-3	16-32-18	6-16-18
16-15-1	6-11-1	16-32-19	6-16-19
16-15-2	6-11-2	16-32-20	6-16-20
16-17-1	6-12-1	16-32-21	6-16-21
16-17-2	6-12-2	16-32-22	6-16-22

SANDY CITY CODE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
16-32-23	6-16-23	18-1-6	21-21-6
16-32-24	6-16-24	19-1-1	17-1-1
16-32-25	6-16-25	19-2-1	17-2-1
16-32-26	6-16-26	19-2-2	17-2-2
16-32-27	6-16-27	19-2-6	17-2-3
16-32-28	6-16-28	19-2-7	17-2-4
16-32-29	6-16-29	19-2-8	17-2-5
16-32-30	6-16-30	19-2-9	17-2-6
16-32-31	6-16-31	19-2-10	17-2-7
16-32-32	6-16-32	19-2-11	17-2-8
16-32-33	6-16-33	19-2-12	17-2-9
16-32-34	6-16-34	19-2-13	17-2-10
16-32-35	6-16-35	19-2-14	17-2-11
16-32-36	6-16-36	19-2-15	17-2-12
16-32-37	6-16-37	19-2-16	17-2-13
16-32-38	6-16-38	19-2-17	17-2-14
16-32-39	6-16-39	19-3-1	17-3-1
16-32-40	6-16-40	19-3-2	17-3-2
16-32-41	6-16-41	19-3-3	17-3-3
16-32-42	6-16-42	19-3-4	17-3-4
16-32-43	6-16-43	19-3-5	17-3-5
16-32-44	6-16-44	19-3-6	17-3-6
16-32-45	6-16-45	19-3-7	17-3-7
16-32-46	6-16-46	19-3-8	17-3-8
16-32-47	6-16-47	19-3-9	17-3-9
16-32-48	6-16-48	19-3-10	17-3-10
16-33-2	6-17-1	19-3-11	17-3-11
16-33-3	6-17-2	19-3-12	17-3-12
16-33-4	6-17-3	19-3-13	17-3-13
16-33-5	6-17-4	19-3-14	17-3-14
16-33-6	6-17-5	19-3-15	17-3-15
16-33-7	6-17-6	19-3-16	17-3-16
17-1-1	9-1-1	19-3-17	17-3-17
17-1-2	9-1-2	19-3-18	17-3-18
17-1-3	9-1-3	19-3-19	17-3-19
17-1-4	9-1-4	19-4-1	17-4-1
17-1-5	9-1-5	19-4-2	17-4-2
17-1-6	9-1-6	19-4-3	17-4-3
17-1-7	9-1-7	19-4-4	17-4-4
17-1-8	9-1-8	19-4-5	17-4-5
17-1-9	9-1-9	19-4-6	17-4-6
17-1-10	9-1-10	19-5-1	17-5-1
17-1-11	9-1-11	19-5-2	17-5-2
17-1-12	9-1-12	19-5-3	17-5-3
17-2-1	9-2-1	19-5-4	17-5-4
17-2-2	9-2-2	19-5-5	17-5-5
17-2-3	9-2-3	19-5-6	17-5-6
17-2-4	9-2-4	19-5-7	17-5-7
17-2-5	9-2-5	19-5-8	17-5-8
17-2-6	9-2-6	19-5-9	17-5-9

CODE COMPARATIVE TABLE

1978 Revised Ords. Section	Code Section	1978 Revised Ords. Section	Code Section
19-5-10	17-5-10	21-1-1	11-1-1
19-5-11	17-5-11	21-1-3	11-1-2
19-5-12	17-5-12	21-1-4	11-1-3
19-5-13	17-5-13	21-1-5	11-1-4
19-5-14	17-5-14	21-1-6	11-1-5
19-5-15	17-5-15	21-1-7	11-1-6
19-5-16	17-5-16	21-1-8	11-1-7
19-5-17	17-5-17	21-2-1	11-2-1
19-5-18	17-5-18	21-2-2	11-2-2
19-5-19	17-5-19	21-2-3	11-2-3
19-5-20	17-5-20	21-2-4	11-2-4
19-5-21	17-5-21	21-2-5	11-2-5
19-5-22	17-5-22	21-2-6	11-2-6
19-6-1	17-6-1	21-2-8	11-2-7
19-6-2	17-6-2	21-2-9	11-2-8
19-6-3	17-6-3	21-2-10	11-2-9
19-6-4	17-6-4	21-2-11	11-2-10
19-6-5	17-6-5	21-3-1	11-3-1
19-6-6	17-6-6	21-3-2	11-3-2
19-6-7	17-6-7	21-3-3	11-3-3
19-7-1	17-7-1	21-3-4	11-3-4
19-7-2	17-7-2	21-3-5	11-3-5
19-7-3	17-7-3	21-3-6	11-3-6
19-7-4	17-7-4	21-3-7	11-3-7
19-7-5	17-7-5	21-3-8	11-3-8
19-7-6	17-7-6	21-3-9	11-3-9
19-7-7	17-7-7	21-3-10	11-3-10
19-7-8	17-7-8	22-1-1	3-1-1
19-7-9	17-7-9	22-1-2	3-1-2
19-7-10	17-7-10	22-1-3	3-1-3
19-7-11	17-7-11	22-1-4	3-1-4
19-7-12	17-7-12	22-1-6	3-1-5
19-7-13	17-7-13	22-1-7	3-1-6
19-7-14	17-7-14	23-1-2	5-1-1
19-7-16	17-7-15	23-1-8	5-1-2
19-7-17	17-7-16		
19-7-18	17-7-17		
19-7-19	17-7-18		
19-7-20	17-7-19		
19-7-21	17-7-20		
19-7-22	17-7-21		
19-7-23	17-7-22		
19-8-1	17-8-1		
19-8-2	17-8-2		
19-8-3	17-8-3		
19-8-4	17-8-4		
19-8-5	17-8-5		
19-9-1	17-9-1		
19-9-2	17-9-2		
19-9-3	17-9-3		

CODE COMPARATIVE TABLE

2008 LAND DEVELOPMENT CODE

This table gives the location within this Code of those sections of the 2008 Land Development Code that are included herein.

2008 LDC Section	Code Section	2008 LDC Section	Code Section
15A-01-01	21-1-1	15A-04-09	21-4-9
15A-01-02	21-1-2	15A-04-10	21-4-10
15A-01-03	21-1-3	15A-04-11	21-4-11
15A-01-04	21-1-4	15A-05-01	21-5-1
15A-01-05	21-1-5	15A-05-02	21-5-2
15A-01-06	21-1-6	15A-05-03	21-5-3
15A-01-07	21-1-7	15A-05-04	21-5-4
15A-02-01	21-2-1	15A-06-01	21-6-1
15A-02-02	21-2-2	15A-06-02	21-6-2
15A-02-03	21-2-3	15A-06-03	21-6-3
15A-02-04	21-2-4	15A-06-04	21-6-4
15A-02-05	21-2-5	15A-06-05	21-6-5
15A-02-06	21-2-6	15A-06-06	21-6-6
15A-02-07	21-2-7	15A-06-07	21-6-7
15A-02-08	21-2-8	15A-07-01	21-7-1
15A-02-09	21-2-9	15A-07-02	21-7-2
15A-02-10	21-2-10	15A-08-01	21-8-1
15A-02-11	21-2-11	15A-08-02	21-8-2
15A-02-12	21-2-12	15A-09-01	21-9-1
15A-02-13	21-2-13	15A-09-02	21-9-2
15A-02-14	21-2-14	15A-09-03	21-9-3
15A-02-15	21-2-15	15A-10-01	21-10-1
15A-02-16	21-2-16	15A-10-02	21-10-2
15A-02-17	21-2-17	15A-11-01	21-11-1
15A-02-18	21-2-18	15A-11-02	21-11-2
15A-02-19	21-2-19	15A-11-03	21-11-3
15A-02-20	21-2-20	15A-11-04	21-11-4
15A-02-21	21-2-21	15A-11-06	21-11-6
15A-02-22	21-2-22	15A-11-07	21-11-7
15A-02-23	21-2-23	15A-11-08	21-11-8
15A-03-01	21-3-1	15A-11-09	21-11-9
15A-03-02	21-3-2	15A-11-10	21-11-10
15A-03-03	21-3-3	15A-11-11	21-11-11
15A-03-04	21-3-4	15A-11-12	21-11-12
15A-04-01	21-4-1	15A-11-13	21-11-13
15A-04-02	21-4-2	15A-11-14	21-11-14
15A-04-03	21-4-3	15A-11-15	21-11-15
15A-04-04	21-4-4	15A-11-16	21-11-16
15A-04-05	21-4-5	15A-11-17	21-11-17
15A-04-06	21-4-6	15A-11-18	21-11-18
15A-04-07	21-4-7	15A-11-20	21-11-20
15A-04-08	21-4-8	15A-11-21	21-11-21

SANDY CITY CODE

2008 LDC Section	Code Section	2008 LDC Section	Code Section
15A-11-22	21-11-22	15A-16-18	21-16-18
15A-11-23	21-11-23	15A-17-01	21-17-1
15A-11-24	21-11-24	15A-17-02	21-17-2
15A-12-01	21-12-1	15A-17-03	21-17-3
15A-12-02	21-12-2	15A-17-04	21-17-4
15A-12-03	21-12-3	15A-17-05	21-17-5
15A-12-04	21-12-4	15A-17-06	21-17-6
15A-12-05	21-12-5	15A-17-07	21-17-7
15A-12-06	21-12-6	15A-17-08	21-17-8
15A-12-07	21-12-7	15A-17-09	21-17-9
15A-12-08	21-12-8	15A-17-10	21-17-10
15A-12-09	21-12-9	15A-17-11	21-17-11
15A-12-10	21-12-10	15A-17-12	21-17-12
15A-12-11	21-12-11	15A-17-13	21-17-13
15A-12-12	21-12-12	15A-18-01	21-18-1
15A-12-13	21-12-13	15A-18-02	21-18-2
15A-13-01	21-13-1	15A-18-03	21-18-3
15A-13-02	21-13-2	15A-18-04	21-18-4
15A-13-03	21-13-3	15A-18-05	21-18-5
15A-13-04	21-13-4	15A-18-06	21-18-6
15A-13-05	21-13-5	15A-19-01	21-19-1
15A-13-06	21-13-6	15A-19-02	21-19-2
15A-13-07	21-13-7	15A-19-03	21-19-3
15A-13-08	21-13-8	15A-19-04	21-19-4
15A-13-09	21-13-9	15A-19-05	21-19-5
15A-13-10	21-13-10	15A-19-06	21-19-6
15A-14-01	21-14-1	15A-19-06A	21-19-7
15A-15-01	21-15-1	15A-19-06B	21-19-8
15A-15-02	21-15-2	15A-19-06C	21-19-9
15A-15-03	21-15-3	15A-19-06D	21-19-10
15A-15-04	21-15-4	15A-19-07	21-19-11
15A-15-05	21-15-5	15A-19-08	21-19-12
15A-15-06	21-15-6	15A-19-09	21-19-13
15A-16-01	21-16-1	15A-19-10	21-19-14
15A-16-02	21-16-2	15A-19-11	21-19-15
15A-16-03	21-16-3	15A-19-12	21-19-16
15A-16-04	21-16-4	15A-19-14	21-19-18
15A-16-05	21-16-5	15A-19-16	21-19-19
15A-16-06	21-16-6	15A-19-17	21-19-20
15A-16-07	21-16-7	15A-19-18	21-19-21
15A-16-08	21-16-8	15A-19-19	21-19-22
15A-16-09	21-16-9	15A-19-20	21-19-23
15A-16-10	21-16-10	15A-19-21	21-19-24
15A-16-11	21-16-11	15A-19-22	21-19-25
15A-16-12	21-16-12	15A-19-23	21-19-26
15A-16-13	21-16-13	15A-19-24	21-19-27
15A-16-14	21-16-14	15A-19-25	21-19-28
15A-16-15	21-16-15	15A-19-26	21-19-29
15A-16-16	21-16-16	15A-19-27	21-19-30
15A-16-17	21-16-17	15A-19-28	21-19-31

CODE COMPARATIVE TABLE

2008 LDC Section	Code Section	2008 LDC Section	Code Section
15A-19-29	21-19-32	15A-23-08	21-23-8
15A-19-30	21-19-33	15A-23-09	21-23-9
15A-19-31	21-19-34	15A-23-10	21-23-10
15A-20-01	21-20-1	15A-23-11	21-23-11
15A-20-02	21-20-2	15A-23-12	21-23-12
15A-20-03	21-20-3	15A-23-13	21-23-13
15A-20-04	21-20-4	15A-23-14	21-23-14
15A-20-05	21-20-5	15A-23-15	21-23-15
15A-20-06	21-20-6	15A-23-16	21-23-16
15A-20-07	21-20-7	15A-23-17	21-23-17
15A-20-08	21-20-8	15A-23-18	21-23-18
15A-20-09	21-20-9	15A-23-19	21-23-19
15A-21-01	21-21-1	15A-23-20	21-23-20
15A-21-02	21-21-2	15A-23-21	21-23-21
15A-21-03	21-21-3	15A-23-22	21-23-22
15A-21-04	21-21-4	15A-23-23	21-23-23
15A-21-05	21-21-5	15A-23-24	21-23-24
15A-21-06	21-21-6	15A-24-01	21-24-1
15A-21-07	21-21-7	15A-24-02	21-24-2
15A-21-08	21-21-8	15A-24-03	21-24-3
15A-21-09	21-21-9	15A-24-04	21-24-4
15A-21-10	21-21-10	15A-24-05	21-24-5
15A-21-11	21-21-11	15A-24-06	21-24-6
15A-21-12	21-21-12	15A-24-07	21-24-7
15A-21-13	21-21-13	15A-24-08	21-24-8
15A-21-14	21-21-14	15A-24-09	21-24-9
15A-21-15	21-21-15	15A-24-10	21-24-10
15A-21-16	21-21-16	15A-24-11	21-24-11
15A-21-17	21-21-17	15A-24-12	21-24-12
15A-21-18	21-21-18	15A-24-13	21-24-13
15A-21-19	21-21-19	15A-24-14	21-24-14
15A-21-20	21-21-20	15A-24-15	21-24-15
15A-21-21	21-21-21	15A-24-16	21-24-16
15A-21-22	21-21-22	15A-24-17	21-24-17
15A-21-23	21-21-23	15A-24-18	21-24-18
15A-21-24	21-21-24	15A-24-19	21-24-19
15A-21-25	21-21-25	15A-24-20	21-24-20
15A-22-01	21-22-1	15A-25-01	21-25-1
15A-22-02	21-22-2	15A-25-02	21-25-2
15A-22-03	21-22-3	15A-25-03	21-25-3
15A-22-04	21-22-4	15A-25-04	21-25-4
15A-22-05	21-22-5	15A-26-01	21-26-1
15A-22-06	21-22-6	15A-26-02	21-26-2
15A-23-01	21-23-1	15A-26-03	21-26-3
15A-23-02	21-23-2	15A-26-04	21-26-4
15A-23-03	21-23-3	15A-26-05	21-26-5
15A-23-04	21-23-4	15A-26-06	21-26-6
15A-23-05	21-23-5	15A-26-07	21-26-7
15A-23-06	21-23-6	15A-26-08	21-26-8
15A-23-07	21-23-7	15A-26-09	21-26-9

SANDY CITY CODE

2008 LDC Section	Code Section	2008 LDC Section	Code Section
15A-26-10	21-26-10	15A-31-01	21-31-1
15A-26-11	21-26-11	15A-31-02	21-31-2
15A-26-12	21-26-12	15A-31-03	21-31-3
15A-26-13	21-26-13	15A-31-04	21-31-4
15A-26-14	21-26-14	15A-31-05	21-31-5
15A-27-01	21-27-1	15A-31-06	21-31-6
15A-27-02	21-27-2	15A-31-07	21-31-7
15A-27-03	21-27-3	15A-31-08	21-31-8
15A-27-04	21-27-4	15A-31-09	21-31-9
15A-27-05	21-27-5	15A-31-10	21-31-10
15A-27-06	21-27-6	15A-32-01	21-32-1
15A-27-07	21-27-7	15A-32-02	21-32-2
15A-27-08	21-27-8	15A-32-03	21-32-3
15A-27-09	21-27-9	15A-32-04	21-32-4
15A-27-10	21-27-10	15A-32-05	21-32-5
15A-27-11	21-27-11	15A-32-06	21-32-6
15A-27-12	21-27-12	15A-32-07	21-32-7
15A-27-13	21-27-13	15A-32-08	21-32-8
15A-28-01	21-28-1	15A-33-01	21-33-1
15A-28-02	21-28-2	15A-33-02	21-33-2
15A-28-03	21-28-3	15A-33-03	21-33-3
15A-28-04	21-28-4	15A-33-04	21-33-4
15A-28-05	21-28-5	15A-33-05	21-33-5
15A-28-06	21-28-6	15A-33-06	21-33-6
15A-28-07	21-28-7	15A-33-07	21-33-7
15A-28-08	21-28-8	15A-33-08	21-33-8
15A-28-09	21-28-9	15A-33-09	21-33-9
15A-28-10	21-28-10	15A-34-01	21-34-1
15A-28-11	21-28-11	15A-34-02	21-34-2
15A-29-01	21-29-1	15A-34-03	21-34-3
15A-29-02	21-29-2	15A-35-01	21-35-1
15A-29-03	21-29-3	15A-35-02	21-35-2
15A-29-04	21-29-4	15A-35-03	21-35-3
15A-29-05	21-29-5	15A-36-01	21-36-1
15A-29-06	21-29-6	15A-36-02	21-36-2
15A-29-07	21-29-7	15A-36-05	21-36-5
15A-30-01	21-30-1	15A-36-07	21-36-7
15A-30-02	21-30-2	15A-36-09	21-36-9
15A-30-03	21-30-3	15A-36-10	21-36-10
15A-30-04	21-30-4	15A-37-01	21-37-1
15A-30-05	21-30-5	15A-37-02	21-37-2
15A-30-06	21-30-6	15A-37-03	21-37-3
15A-30-06.5	21-30-7	15A-37-04	21-37-4
15A-30-07	21-30-8	15A-37-05	21-37-5
15A-30-08	21-30-9	15A-37-06	21-37-6
15A-30-09	21-30-10	15A-37-07	21-37-7
15A-30-10	21-30-11	15A-37-08	21-37-8
15A-30-11	21-30-12	15A-37-09	21-37-9
15A-30-12	21-30-13	15A-37-10	21-37-10
15A-30-13	21-30-14	15A-37-11	21-37-11

CODE COMPARATIVE TABLE

2008 LDC Section	Code Section
15A-37-13	21-37-13
15A-37-14	21-37-14
15A-37-15	21-37-15
15A-37-16	21-37-16
15A-37-17	21-37-17
15A-37-18	21-37-18
15A-37-19	21-37-19
15A-37-20	21-37-20
15A-37-21	21-37-21
15A-37-22	21-37-22
15A-37-23	21-37-23
15A-37-24	21-37-24
15A-37-25	21-37-25
15A-37-26	21-37-26
15A-37-27	21-37-27
15A-38-01	21-38-1
15A-38-02	21-38-2
15A-38-03	21-38-3
15A-38-04	21-38-4
15A-38-05	21-38-5

CODE COMPARATIVE TABLE

TRAFFIC CODE

This table gives the location within this Code of those sections of the Traffic Code that are included herein.

Traffic Code Section	Code Section
73	14-2-1
78	14-2-2
86	14-3-1
90	14-3-2
94	14-3-3
105	14-4-1
106	14-4-2
129	14-5-1
130	14-5-2
132	14-5-3
135	14-6-1
140	14-6-2
142	14-7-1
148	14-7-2
153	14-7-3
154	14-7-4
155	14-7-5
157	14-7-6
161	14-7-7
183	14-7-9
184	14-7-10
185	14-7-11
203	14-8-1
208	14-9-1
227	14-9-2
234	14-9-3
238	14-10-1
244	14-10-2
245	14-10-3
247	14-10-4
249	14-10-5
250	14-10-6
254	14-10-7
267	14-10-8
269	14-10-9
280	14-10-10
283	14-10-11
285	14-10-12
342	14-12-1

CODE COMPARATIVE TABLE

LEGISLATION

This table gives the location of ordinances and other legislation within this Code.

Legislation	Date	Section	Code Section
Ord. No. 06-23	8-15-2006	—	21-19-32
Ord. No. 09-02	1-26-2009	—	21-3-3
Ord. No. 09-03	2-6-2009	—	21-26-10
		—	21-37-14
		—	21-37-20
Ord. No. 09-01	3-5-2009	—	21-23-12
Ord. No. 09-06	3-5-2009	—	21-38-5
Ord. No. 09-11	4-22-2009	—	21-19-34
Ord. No. 09-10	4-24-2009	—	21-7-2
Ord. No. 09-13	5-15-2009	—	21-30-3
Ord. No. 09-16	6-12-2009	—	21-38-4, 21-38-5
Ord. No. 09-18	7-31-2009	—	21-11-5
Ord. No. 09-28	10-19-2009	—	21-11-2
Ord. No. 09-35	12-7-2009	—	21-7-2
		—	21-8-2
		—	21-37-20
Ord. No. 10-01	1-26-2010	—	21-30-4
Ord. No. 10-03	2-19-2010	—	21-8-2
		—	21-37-2
Ord. No. 10-04	2-19-2010	—	21-11-8
		—	21-25-4
Ord. No. 10-12	4-20-2010	—	21-8-2
		—	21-37-2
Ord. No. 10-13	4-20-2010	—	21-8-2
Ord. No. 10-22	7-12-2010	—	21-19-14
Ord. No. 10-23	7-12-2010	—	21-23-18
Ord. No. 10-24	7-12-2010	—	21-7-2
Ord. No. 10-26	7-30-2010	—	21-11-2
		—	21-12-4
		—	21-19-21
		—	21-19-25
		—	21-20-2
		—	21-20-4
		—	21-20-7
		—	21-24-4
		—	21-24-8
Ord. No. 10-27	7-30-2010	—	21-37-23
Ord. No. 09-17	7-31-2010	—	21-25-4
Ord. No. 09-19	7-31-2010	—	21-11-2
Ord. No. 10-30	8-8-2010	—	21-37-2
Ord. No. 10-31	8-8-2010	—	21-37-7
		—	21-37-17
		—	21-37-20
	9-2-2010	—	21-8-2

SANDY CITY CODE

Legislation	Date	Section	Code Section
Ord. No. 10-32	9-2-2010	—	21-7-2
		—	21-8-2
Ord. No. 10-41	12-14-2010	—	21-3-3
Ord. No. 10-42	12-14-2010	—	21-23-18
Ord. No. 10-43	12-14-2010	—	21-11-18
Ord. No. 10-44	12-14-2010	—	21-11-24
Ord. No. 10-45	12-14-2010	—	21-11-5
Ord. No. 11-04	3-25-2011	—	21-23-21
Ord. No. 11-05	3-25-2011	—	21-37-4
Ord. No. 11-06	3-25-2011	—	21-8-2
Ord. No. 11-07	5-3-2011	—	21-23-12
Ord. No. 11-14	9-2-2011	—	21-25-1
Ord. No. 11-15	9-9-2011	—	21-2-16
Ord. No. 11-22	11-21-2011	—	21-26-10
		—	21-37-20
Ord. No. 11-24	12-5-2011	21-26-8	
		—	21-26-14
		—	21-37-7
		—	21-37-20
Ord. No. 12-02	1-27-2012	—	21-37-7
Ord. No. 12-03	1-27-2012	—	21-30-3
		—	21-30-6—21-30-8
Ord. No. 12-04	1-27-2012	—	21-2-16
		—	21-2-20
Ord. No. 12-05	1-31-2012	—	21-11-3
Ord. No. 12-07	2-28-2012	—	21-23-24
Ord. No. 12-08	2-28-2012	—	21-23-21
Ord. No. 12-13	5-15-2012	—	21-8-2
Ord. No. 12-14	5-15-2012	—	21-19-2
		—	21-19-13
		—	21-19-19
		—	21-20-2
Ord. No. 12-15	5-15-2012	—	21-23-3
Ord. No. 12-17	5-29-2012	—	21-11-14
Ord. No. 12-22	6-18-2012	—	21-11-3
Ord. No. 12-23	6-18-2012	—	21-20-2
Ord. No. 12-24	6-18-2012	—	21-19-16
Ord. No. 12-30	8-20-2012	—	21-8-2
		—	21-37-2
Ord. No. 12-31	8-20-2012	—	21-23-21
Ord. No. 12-33	9-17-2012	—	21-11-5
Ord. No. 13-02	1-13-2013	—	21-20-5
Ord. No. 13-04	1-20-2013	—	21-13-10
	1-30-2013	—	21-13-6
Ord. No. 13-06	2-4-2013	—	21-11-14
Ord. No. 13-13	6-5-2013	—	21-7-2
		—	21-2-9
		—	21-8-2
		—	21-9-3
		—	21-10-2

CODE COMPARATIVE TABLE

Legislation	Date	Section	Code Section
		—	21-22-6
		—	21-37-2
		—	21-37-4—21-37-6
		—	21-37-8, 21-37-9
		—	21-37-13, 21-37-14
		—	21-37-16, 21-37-17
		—	21-37-19, 21-37-20
Ord. No. 13-15	6-11-2013	—	21-3-3
		—	21-2-20, 21-2-21
Ord. No. 13-19	8-15-2013	—	21-7-2
		—	21-8-2
		—	21-9-3
		—	21-10-2
		—	21-37-20
		—	21-37-24
Ord. No. 13-18	8-22-2013	—	21-12-4
		—	21-13-6
Ord. No. 13-22	10-4-2013	—	21-7-2
		—	21-8-2
		—	21-9-3
		—	21-10-2
		—	21-37-4
Ord. No. 13-26	11-25-2013	—	21-37-7
Ord. No. 13-28	12-9-2013	—	21-8-2
Ord. No. 14-01	3-6-2014	—	21-19-21
Ord. No. 14-06	4-23-2014	—	21-24-2
		—	21-24-9
Ord. No. 14-14	6-12-2014	—	21-26-10
Ord. No. 14-24	9-4-2014	21-23-3	
		—	21-25-2
Ord. No. 14-29	9-28-2014	—	21-15-4
		—	21-21-10, 21-21-11
		—	21-21-22
		—	21-30-9
		—	21-37-13
Ord. No. 14-34	11-13-2014	—	21-26-7
Ord. No. 14-35	11-13-2014	—	21-8-2
		—	21-23-3
		—	21-23-21
Ord. No. 14-37	11-24-2014	—	21-23-3
		—	21-23-9
		—	21-23-21
Ord. No. 15-03	1-22-2015	—	21-19-14
		—	21-19-29
Ord. No. 15-04	3-23-2015	—	21-15-5
Ord. No. 15-05	3-23-2015	—	21-7-2
		—	21-8-2
		—	21-37-4
		—	21-37-10
Ord. No. 15-06	3-23-2015	—	21-26-7

SANDY CITY CODE

Legislation	Date	Section	Code Section
Ord. No. 15-19	6-26-2015	—	21-8-2
		—	21-23-21
Ord. No. 15-22	7-15-2015	—	21-15-4
		—	21-20-7
		—	21-23-13, 21-23-14
		—	21-27-2, 21-27-3
		—	21-27-5
		—	21-27-8, 21-27-9
		—	21-30-3
		—	21-32-2
		—	21-32-8
Ord. No. 15-25	7-21-2015	—	21-7-2
		—	21-11-3
		—	21-11-5
		—	21-11-9
Ord. No. 15-29	9-12-2015	—	21-11-2
Ord. No. 15-30	9-12-2015	—	21-11-22
		—	21-37-20
Ord. No. 15-34	11-16-2015	—	21-37-14
		—	21-37-20
Ord. No. 15-35	11-23-2015	—	21-12-1
		—	21-13-1
Ord. No. 16-01	1-14-2016	—	21-23-3
		—	21-23-21
Ord. No. 16-02	1-14-2016	—	21-2-16
Ord. No. 16-05	2-5-2016	—	21-35-1
Ord. No. 16-06	2-5-2016	—	21-12-1
Ord. No. 16-13	3-23-2016	—	21-7-2
		—	21-8-2
		—	21-11-5
		—	21-37-2
Ord. No. 16-14	3-23-2016	—	21-26-8
Ord. No. 16-15	3-28-2016	—	21-3-4
		—	21-33-9
Ord. No. 16-19	5-5-2016	—	6-13-1—6-13-15
Ord. No. 16-22	6-6-2016	—	15-1-1—15-1-20
Ord. No. 16-30	8-20-2016	—	21-28-10
Ord. No. 16-32	9-27-2016	—	18-1-1
Ord. No. 16-35	10-20-2016	—	21-7-2
		—	21-8-2
		—	21-37-17
Ord. No. 16-36	10-20-2016	—	21-20-8
Ord. No. 16-33	10-29-2016	—	21-2-23
Ord. No. 16-34	10-29-2016	—	21-23-12
Ord. No. 16-45	12-14-2016	—	21-8-2
Ord. No. 16-42	1-26-2017	—	15-2-1—15-2-18
		—	15-2-20—15-2-33
Ord. No. 17-06	2-7-2017	—	Ch. 4-1
		—	Ch. 4-2
		—	Ch. 4-3

CODE COMPARATIVE TABLE

Legislation	Date	Section	Code Section
		—	Ch. 4-4
		—	Ch. 4-5
		—	Ch. 4-6
		—	Ch. 4-7
Ord. No. 17-09	3-9-2017	—	21-7-2
		—	21-8-2
		—	21-9-3
		—	21-10-2
		—	21-19-5
		—	21-19-7—21-19-10
		—	21-19-14
		—	21-19-16
		—	21-19-18—21-19-21
		—	21-19-24
		—	21-19-28
		—	21-19-30
		—	21-23-17
		—	21-37-2
Ord. No. 17-10	3-14-2017	exh. A(15A-03-03)	21-3-3
		exh. A(15A-03-04)	21-3-4
Ord. No. 17-14	6-13-2017	exh. A(15A-03-04)	21-3-4
		exh. A(15A-11-08)	21-11-8
Ord. No. 17-20	7-25-2017	exh. A(8-11-1)	20-11-1
		exh. A(8-11-2)	20-11-2
Ord. No. 17-21	7-25-2017	exh. A(4-1-1)	18-1-1
		exh. A(4-1-3)	18-1-3
		exh. B	18-1-3
Ord. No. 17-29	11-21-2017	1	21-11-5
Ord. No. 17-30	11-21-2017	1	21-11-19
Ord. No. 18-01	1-23-2018	1	21-2-24
Ord. No. 18-03	1-23-2018	1	10-8-1
Ord. No. 18-02	2-13-2018	1	21-25-3
Ord. No. 18-04	2-13-2018	1	19-2-5
Ord. No. 18-07	3-16-2018	1(exh. A, § 11-1-1)	7-1-1
		1(exh. A, § 11-1-2)	7-1-2
		1(exh. A, § 11-1-3)	7-1-3
		1(exh. A, § 11-1-4)	7-1-4
		1(exh. A, § 11-1-5)	7-1-5
		1(exh. A, § 11-1-6)	7-1-6
		1(exh. A, § 11-1-7)	7-1-7
		1(exh. A, § 11-1-8)	7-1-8
		1(exh. A, § 11-1-9)	7-1-9
		1(exh. A, § 11-1-10)	7-1-10
		1(exh. A, § 11-1-11)	7-1-11
		1(exh. A, § 11-1-12)	7-1-12
		1(exh. A, § 11-1-13)	7-1-13
		1(exh. A, § 11-1-14)	7-1-14
		1(exh. A, § 11-1-15)	7-1-15
		1(exh. A, § 11-1-16)	7-1-16
		1(exh. A, § 11-1-17)	7-1-17

SANDY CITY CODE

Legislation	Date	Section	Code Section
		1(exh. A, § 11-1-18)	7-1-18
		1(exh. A, § 11-1-19)	7-1-19
		1(exh. A, § 11-1-20)	7-1-20
		1(exh. A, § 11-1-21)	7-1-21
		1(exh. A, § 11-1-22)	7-1-22
		1(exh. A, § 11-1-23)	7-1-23
		1(exh. A, § 11-1-24)	7-1-24
		1(exh. A, § 11-1-25)	7-1-25
		1(exh. A, § 11-1-26)	7-1-26
		1(exh. A, § 11-1-27)	7-1-27
		1(exh. A, § 11-1-28)	7-1-28
		1(exh. A, § 11-2-1)	7-2-1
		1(exh. A, § 11-2-2)	7-2-2
		1(exh. A, § 11-2-3)	7-2-3
		1(exh. A, § 11-2-4)	7-2-4
		1(exh. A, § 11-2-5)	7-2-5
		1(exh. A, § 11-2-6)	7-2-6
		1(exh. A, § 11-2-7)	7-2-7
		1(exh. A, § 11-2-9)	7-2-8
		1(exh. A, § 11-2-10)	7-2-9
		1(exh. A, § 11-2-11)	7-2-10
		1(exh. A, § 11-2-12)	7-2-11
		1(exh. A, § 11-2-13)	7-2-12
		1(exh. A, § 11-2-14)	7-2-13
		1(exh. A, § 11-3-1)	7-3-1
		1(exh. A, § 11-3-2)	7-3-2
		1(exh. A, § 11-3-3)	7-3-3
		1(exh. A, § 11-3-4)	7-3-4
		1(exh. A, § 11-3-5)	7-3-5
		1(exh. A, § 11-3-6)	7-3-6
		1(exh. A, § 11-3-7)	7-3-7
Ord. No. 18-09	4-6-2018	1(exh. A, § 2-1-1)	2-1-1
		1(exh. A, § 2-1-2)	2-1-2
		1(exh. A, § 2-1-3)	2-1-3
		1(exh. A, § 2-1-4)	2-1-4
		1(exh. A, § 2-1-5)	2-1-5
Ord. No. 18-10	4-6-2018	1	14-7-8
Ord. No. 18-12	5-3-2018	1	12-1-27
Ord. No. 18-13	5-8-2018	1 (exh. B, § 8-5-1)	20-5-1
		1 (exh. B, § 8-5-2)	20-5-2
		1 (exh. B, § 8-5-3)	20-5-3
		1 (exh. B, § 8-5-4)	20-5-4
		1 (exh. B, § 8-5-5)	20-5-5
		1 (exh. B, § 8-5-6)	20-5-6
		1 (exh. B, § 8-5-7)	20-5-7
		1 (exh. B, § 8-5-8)	20-5-8
		1 (exh. B, § 8-6-1)	20-6-1
		1 (exh. B, § 8-6-2)	20-6-2
		1 (exh. B, § 8-6-3)	20-6-3
		1 (exh. B, § 8-6-4)	20-6-4

CODE COMPARATIVE TABLE

Legislation	Date	Section	Code Section
Ord. No. 18-14	5-15-2018	1(exh. A)	21-23-3
Ord. No. 18-15	6-12-2018	—	21-4-6
Ord. No. 18-16	6-25-2018	1	21-19-17
Ord. No. 18-18	6-26-2018	1	21-24-3
Ord. No. 18-21	8-21-2018	1(15A-07-02)	21-7-2
		1(15A-08-02)	21-8-2
		1(15A-09-03)	21-9-3
		1(15A-10-02)	21-10-2
		1(15A-11-26)	21-11-26
		1(15A-37-02)	21-37-4
		—	21-37-19
		—	21-37-19
Ord. No. 18-22	8-21-2018	1(15A-08-02)	21-8-2
		1(15A-37-02)	21-37-2
Ord. No. 18-23	8-21-2018	1(5-19-1)	15-11-1
		1(5-19-2)	15-11-2
		1(5-19-3)	15-11-3
		1(5-19-4)	15-11-4
		1(5-19-5)	15-11-5
		1(5-19-6)	15-11-6
		1(5-19-7)	15-11-7
		1(5-19-8)	15-11-8
Ord. No. 18-24	9-4-2018	1(6-2-5)	4-2-2
Ord. No. 18-25	9-11-2018	1(22-1-7)	3-1-7
Ord. No. 18-26	9-11-2018	1(15A-24-03)	21-24-3
Ord. No. 18-28	9-11-2018	1(15A-11-25)	21-11-25
		1(15A-38)	21-37-2—21-37-6
		—	21-37-9
		—	21-37-13—21-37-15
		—	21-37-17
		—	21-37-19—21-37-22
		—	21-37-24
		—	21-37-24
Ord. No. 18-32	10-9-2018	1(1-1)	1-4-1
		1(1-2)	1-4-2
		1(1-3)	1-4-3
		1(1-4)	1-4-4
		1(1-5)	1-4-5
		1(1-6)	1-4-6
		1(1-7)	1-4-7
		1(1-8)	1-4-8
		1(1-9)	1-4-9
		1(1-10)	1-4-10
		1(1-11)	1-4-11
		1(1-12)	1-4-12
		1(1-13)	1-4-13
		1(1-14)	1-4-14
		1(1-15)	1-4-15
		1(1-16)	1-4-16
		1(1-17)	1-4-17
		1(1-18)	1-4-18
		1(1-19)	1-4-19

SANDY CITY CODE

Legislation	Date	Section	Code Section
		1(1-20)	1-4-20
Ord. No. 18-31	10-23-2018	1(11-1-5)	7-1-5
Ord. No. 19-01	1-8-2019	1(15A-23-21)	21-23-21

STATE LAW REFERENCE TABLE

This table shows the location within the Code, either in the text or notes following the text, of references to the Utah Code Annotated (U.C.A. 1953).

U.C.A. 1953 Section	Code Section	U.C.A. 1953 Section	Code Section
5-12-201 et seq.	6-17-1	10-3b-202	4-3-2
8-5-1	11-2-6	10-3b-202(1)(c)(iii)	4-2-2
10-1-203	Title 15 (note)	10-3b-	
—	16-3-12	202(1)(c)(iii)(A)	Ch. 4-3
10-1-301 et seq.	Ch. 6-17	10-3b-202(1)(d)(ii)	3-1-2
—	6-17-2	—	4-2-2
—	6-17-5	10-3b-202(1)(d)(iii)	4-2-2
10-1-304	6-17-1	10-3b-203	Title 3 (note)
10-1-305(2)(b)	6-17-2	—	Ch. 3-1
10-1-307(4)	6-17-4	10-3b-301	Ch. 4-2
10-1-401 et seq.	Ch. 6-3	10-6-137	4-4-7
10-1-403	6-3-2	10-7-20	7-1-5
10-1-407	6-3-1, 6-3-2	10-7-4 et seq.	Title 8 (note)
10-2-401 et seq.	Title 6 (note)	10-8-8 et seq.	Title 10 (note)
—	Ch. 21-34	—	Ch. 13-11
10-2-501 et seq.	6-12-1	10-8-11	Ch. 10-7
10-3-202	4-2-1	10-8-14	Title 8 (note)
10-3-205	Ch. 4-2	10-8-15	Title 8 (note)
10-3-205.5	Ch. 4-2	—	8-6-1
10-3-301	4-2-1	10-8-21	Ch. 10-7
10-3-302	3-1-5	10-8-22	8-1-5
10-3-502	3-1-3	10-8-23	Ch. 13-10
10-3-701 et seq.	1-1-5	10-8-24	Ch. 13-10
10-3-703	Ch. 1-2	10-8-38	Title 9 (note)
10-3-706 et seq.	Title 1 (note)	10-8-41.5	Ch. 16-2
10-3-711(2)	18-1-1	—	21-11-14
10-3-1105	4-5-2	10-8-53 et seq.	Title 20 (note)
10-3-1106	4-5-4	10-8-59	Title 12 (note)
10-3-1301 et seq.	Ch. 1-3	10-8-60	12-1-17
—	1-3-9	10-8-62	Title 11 (note)
—	4-6-1	10-8-63	Title 11 (note)
10-3-1302	1-3-1	10-8-65	Title 12 (note)
10-3-1303	1-3-2	—	12-1-7
10-3-1304	1-3-3	—	Ch. 12-2
10-3-1305	1-3-4	—	12-3-5
10-3-1306	1-3-5	10-8-76	Ch. 13-2
10-3-1307	1-3-6	10-8-77	Title 12 (note)
10-3-1308	1-3-7	10-9a-101 et seq.	Title 21 (note)
10-3-1309	1-3-8	—	21-4-2
10-3-1310	1-3-9	—	21-35-3
10-3b-201 et seq.	4-3-1	—	21-37-2
10-3b-202	Ch. 4-2	10-9a-201 et seq.	Ch. 21-36

SANDY CITY CODE

U.C.A. 1953 Section	Code Section	U.C.A. 1953 Section	Code Section
10-9a-202	21-36-1	11-46-303	12-1-25
10-9a-203	21-36-2	13-32a-101 et seq.	Ch. 15-7
10-9a-205	21-36-4	—	15-7-6
10-9a-207	21-36-6	13-32a-104	15-7-5
10-9a-208	21-36-8	13-32a-105	15-7-5
10-9a-209	21-36-10	13-32a-112.5	21-37-20
10-9a-301 et seq.	21-3-3	15A-1-101 et seq.	Title 17 (note)
10-9a-401	21-6-2	—	Ch. 18-1
10-9a-401 et seq.	Ch. 21-6	—	Title 20 (note)
10-9a-404 et seq.	21-6-4	—	Ch. 20-1
10-9a-407	10-5-1	15A-5-103	20-1-1
—	21-6-7	17-50-501	12-1-2
10-9a-505	Ch. 21-4	17B-2a-401	10-6-1
10-9a-507	Ch. 21-33	17D-1-101 et seq.	21-37-2
10-9a-509.5	21-30-14	19-1-407	6-3-2
10-9a-511	21-2-17	19-2-101 et seq.	21-23-3
—	21-2-20—21-2-22	19-5-101 et seq.	21-23-3
10-9a-513	21-23-24	19-9a-701 et seq.	Ch. 21-35
10-9a-514	21-9-3	20A-1-101 et seq.	Title 2 (note)
10-9a-515	21-11-24	20A-1-206	1-3-2
10-9a-516	21-11-8	20A-1-510	3-1-5
10-9a-601 et seq.	21-12-4	20A-9-203(3)	2-1-1
—	21-28-9	26-21-1 et seq.	21-37-9
10-9a-602	21-30-2	—	21-37-19
10-9a-608 et seq.	21-30-6	26-21-8	21-37-9
—	21-30-7	26-26-1	12-1-2
10-9a-701 et seq.	21-3-4	26-39-102	15-8-1
10-9a-702	21-35-2	—	15-8-1
—	21-36-3	27-38-2	15-4-10
10-9a-704	21-35-1	32B-1-101 et seq.	Ch. 15-2 (note)
10-9a-801 et seq.	21-35-3	—	15-2-5
10-11-1 et seq.	Title 19 (note)	—	15-2-19
10-11-3	19-1-7	32B-1-102	15-2-1
10-11-3(1)(b)(ii)	19-1-7	32B-2-101 et seq.	15-2-6
10-11-3(3)	19-1-7	32B-4-403	Ch. 13-3
11-3-1 et seq.	Title 13 (note)	—	Ch. 15-2
—	Ch. 20-5	32B-4-409	Ch. 13-3
11-3-10	20-6-1	—	Ch. 15-2
11-6-1 et seq.	Ch. 15-7	32B-5-101 et seq.	15-2-6
—	15-7-6	32B-6-201 et seq.	15-2-6
11-7-1 et seq.	Title 20 (note)	32B-6-205(6)	15-2-19
11-13-101 et seq.	21-37-2	32B-6-205.2(6)	15-2-19
11-26-1 et seq.	6-16-4	32B-6-301 et seq.	15-2-6
11-36a-101 et seq.	Ch. 6-10	32B-6-305(6)	15-2-19
11-39-101 et seq.	Title 7 (note)	32B-6-305.2(6)	15-2-19
11-39-103	7-1-11	32B-6-401 et seq.	15-2-6
11-46-101 et seq.	Title 12 (note)	32B-6-406(4)	15-2-19
11-46-203	12-1-23	32B-6-601 et seq.	15-2-6
11-46-301 et seq.	12-1-23	32B-6-605(8)	15-2-19
—	12-1-25	32B-6-701 et seq.	15-2-6

STATE LAW REFERENCE TABLE

U.C.A. 1953 Section	Code Section	U.C.A. 1953 Section	Code Section
32B-6-706(5)	15-2-19	53-7-202(14)	20-6-4
32B-6-801 et seq.	15-2-6	53-7-220 et seq.	Title 13 (note)
32B-6-805(8)	15-2-19	—	Ch. 20-5
32B-6-901 et seq.	15-2-6	53-7-225	13-2-5
32B-6-905(6)	15-2-19	54-1-1 et seq.	6-2-2
32B-6-905.1(6)	15-2-19	57-21-1 et seq.	21-11-8
32B-7-101 et seq.	15-2-6	57-21-2	15-8-1
32B-8-101 et seq.	15-2-6	57-8-1 et seq.	21-21-10
32B-8-304(3)	15-2-19	—	Ch. 21-31
32B-8b-101 et seq.	15-2-6	58-8-301	12-1-2
32B-9-101 et seq.	15-2-6, 15-2-7	57-8a-101 et seq.	21-21-10
32B-9-201 et seq.	15-2-6	58-17b-101 et seq.	21-37-2
32B-9-204(17)	15-2-19	58-47b-101 et seq.	Title 16 (note)
32B-9-301 et seq.	15-2-6	58-47b-305	Title 16 (note)
32B-9-401 et seq.	15-2-6	58-47b-501	21-7-1
32B-11-101 et seq.	15-2-6	—	21-8-2
32B-13-101 et seq.	15-2-4	58-55-101 et seq.	15-9-3
title 41	13-2-9	58-55-301 et seq.	Ch. 15-9
41-1a-101 et seq.	Ch. 14-8	59-1-101 et seq.	6-2-2
41-1a-102	21-37-20	59-12-101 et seq.	6-2-2
41-6-1(20)	13-11-5	—	6-17-5
41-6a-102	Title 14 (note)	59-12-101	6-2-2
41-6a-201 et seq.	Ch. 14-3	—	6-17-5
41-6a-216	14-3-3	59-12-103(1)	6-2-2
41-6a-301 et seq.	Ch. 14-4	59-12-106	6-2-2
41-6a-501 et seq.	Ch. 14-5	—	6-17-6
41-6a-528	14-10-2	59-12-201 et seq.	Ch. 6-2
—	14-10-4, 14-10-5	—	6-2-2
41-6a-601 et seq.	Ch. 14-6	59-12-352	6-15-1
41-6a-608	14-6-2	59-12-353	6-15-1
41-6a-701	14-9-1	59-12-354	6-15-2
41-6a-701 et seq.	Ch. 14-9	59-13-101 et seq.	6-17-2
41-6a-801 et seq.	14-9-2	62A-1-111	21-37-9
41-6a-901 et seq.	Ch. 14-10	62A-2-101 et seq.	21-37-19
41-6a-902	14-9-3	62A-2-103	21-37-9
41-6a-1101 et seq.	14-10-9	62A-2-105	21-37-9
41-6a-1115 et seq.	Ch. 14-12	62A-5b-102(3)	12-1-2
41-6a-1301 et seq.	Ch. 14-10	62A-5b-104	13-11-3
41-6a-1401	14-7-2	63-5-6(4)	20-9-1
41-6a-1401 et seq.	Ch. 14-7	63G-2-101 et seq.	1-3-2
41-6a-1402	14-7-1	—	7-1-16
41-6a-1501 et seq.	Ch. 14-12	63G-6a-101 et seq.	Title 7 (note)
41-6a-1601 et seq.	Ch. 14-8	63G-6a-601 et seq.	7-1-8
52-3-1	4-6-2	63G-6a-605	7-1-9
52-4-101 et seq.	3-1-4	63G-7-101 et seq.	8-1-8
—	19-1-7	67-20-1 et seq.	4-5-14
53-2a-205	Ch. 4-2	76-1-101 et seq.	21-7-1
53-2a-208	Ch. 4-2	—	21-8-2
53-2a-807	4-4-8	76-3-205	14-3-1
53-3-101 et seq.	Ch. 14-5	76-3-301	14-3-1

SANDY CITY CODE

U.C.A. 1953 Section	Code Section
76-3-302	14-3-1
76-4-101	13-4-1, 13-4-2
76-4-201	13-4-3
76-4-202	13-4-4
76-4-204	14-3-1
76-4-301	13-4-5
76-4-302	13-4-6
76-5-101 et seq.	Ch. 13-5
76-5-109	13-3-4
76-6-101 et seq.	Ch. 13-6
76-6-408(2)(c)(i)— (c)(iii)	15-7-6
76-6-1401 et seq.	Ch. 15-7
—	15-7-6
76-8-101 et seq.	Ch. 13-8
76-9-101 et seq.	Ch. 13-7
76-9-301 et seq.	Title 12 (note)
—	12-1-26
76-9-601	21-26-8
76-9-701	13-7-1
76-10-101	21-37-2
76-10-101 et seq.	Ch. 13-9
76-10-104	13-3-1
76-10-104.1	21-37-2
76-10-806	13-9-7
76-10-901	21-37-20
76-10-1201	16-3-1
76-10-1201 et seq.	Ch. 16-3
76-10-1203	16-3-2
76-10-1204	16-3-3
76-10-1205	16-3-4
76-10-1206	13-3-3
76-10-1206	16-3-5
76-10-1207	16-3-6
76-10-1208	16-3-7
76-10-1209	16-3-8
76-10-1212	16-3-9
76-10-1213	16-3-10
76-10-1214	16-3-11
76-10-2301	13-3-4
76-10-2701	Ch. 13-10
76-10-2702	Ch. 13-10
77-35-17	16-3-11
78A-7-101 et seq.	Title 5 (note)
78A-7-201 et seq.	5-1-1

