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ORDINANCE 21-08

AN ORDINANCE AMENDING PORTIONS OF TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 15, "SESITIVE AREA OVERLAY ZONE", CHAPTER 16, "FLOODPLAIN OVERLAY ZONE", CHAPTER 20, "RESIDENTIAL DEVELOPMENT STANDARDS", CHAPTER 22, "MANUFACTURED HOME PARKS", CHAPTER 23, "COMMERCIAL, OFFICE, INDUSTRIAL, AND TRANSIT CORRIDOR DEVELOPMENT STANDARDS", CHAPTER 24, "PARKING, ACCESS, AND CIRCULATION", CHAPTER 25, "LANDSCAPING STANDARDS", CHAPTER 27, "GRADING AND EXCAVATION", CHAPTER 30, "SUBDIVISION REVIEW", CHAPTER 32, "SITE PLAN REVIEW", CHAPTER 37, "DEFINITIONS OF THE SANDY MUNICIPAL CODE" TO AMEND CERTAIN CODE REQUIREMENTS RELATED TO STORM WATER AND FLOOD PLAINS; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend portions of Title 21 of the Sandy City Municipal Code, Chapter 15, "Sensitive Area Overlay Zone", Chapter 16, "Floodplain Overlay Zone", Chapter 20, "Residential Development Standards", Chapter 22, "Manufactured Home Parks", Chapter 23, "Commercial, Office, Industrial, and Transit Corridor Development Standards", Chapter 24, "Parking, Access, and Circulation", Chapter 25, "Landscaping Standards", Chapter 27, "Grading and Excavation", Chapter 30, "Subdivision Review", Chapter 32, "Site Plan Review", Chapter 37, "Definitions of the Sandy Municipal Code", to amend certain code requirements related to Storm Water and Flood Plains;

WHEREAS, the Planning Commission held a public hearing on February 18, 2021 which meeting was preceded by notice by publication in the Deseret News on February 5, 2021, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – http://www.sandy.utah.gov, and the Utah Public Notice Website – http://pmn.utah.gov on February 1, 2021; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on March 9, 2021 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

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WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. Whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

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

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

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

PASSED AND APPROVED this 23 day of March, 2021.

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Cyndi Sharkey
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Cyndi Sharkey, Sandy City Council

ATTEST:

DocuSigned by:
Wendy D
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City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 29th day of March, 2021.

APPROVED this 29th day of March, 2021.

SANDY CITY, UTAH * INCORPORATED 1893 *

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DocuSigned by:

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Kurt Bradburn, Mayor

ATTEST:

DocuSigned by:

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City Recorder

PUBLISHED this 2 day of April, 2021.

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 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 tile.

(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 and buildable area shall be arranged so as to ensure adequate setbacks from drainage channels as determined by the City Engineer after review of the submitted reports and applicable 100-year floodplain. The final plat shall reflect these building restrictions.

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. Storm Water Analysis and Drainage Plans shall meet the requirements identified in Sandy City Standard Specifications.

d. 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.

e. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications.

(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 beyond 150 feet from a public or private street may be deemed a Fire Department access road, as determined by the Fire Marshal, and must follow the design requirements of a private lane.

b. A cul-de-sac is permitted up 750 feet in length. It may exceed 750 feet in length through a special exception reviewed by the Planning Commission. This request to extend the length

of the cul-de-sac requires a recommendation from the Director and City Engineer. The following shall be evaluated in reviewing the special exception:

1. Based upon the subject property's geographical constraints, it can be demonstrated that extending the road would better accomplish the stated purposes of this chapter.

2. It can be demonstrated that 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 recommendation 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 10 percent, unless permitted by the City Engineer and Fire Marshal.

(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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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. - FLOODPLAIN OVERLAY ZONE

Contents

Sec. 21-16-1. - Purpose; Findings 1
Sec. 21-16-2. - Scope and Application. 2
Sec. 21-16-3. - Adoption of Maps and Studies 2
Sec. 21-16-4. - Definitions 3
Sec. 21-16-5. - Designation of The Floodplain Administrator 5
Sec. 21-16-6. - Responsibility of the Floodplain Administrator. 5
Sec. 21-16-7. - Floodplain Development Permit Review and Approval 6
Sec. 21-16-8. - Criteria for Approval or Denial of a Floodplain Development Permit 7
Sec. 21-16-9. - Requirement to Submit New Technical Data for LOMR or CLOMR. 8
Sec. 21-16-10. - Appeal. 8
Sec. 21-16-11. - Special Exceptions. 9
Sec. 21-16-12. - Regulatory Floodways 10
Sec. 21-16-13. - Substantial Improvement and Substantial Damage Determination 10
Sec. 21-16-14. - Development Standards Within the Floodplain Overlay Zone. 11
Sec. 21-16-15. - Jordan River Floodplain; Special Regulations. 15
Sec. 21-16-16. - Violation and Enforcement 15

Sec. 21-16-1. - Purpose; Findings

(a) *Compliance with National Flood Insurance Act.* Sandy City elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended), to join the National Flood Insurance Program (NFIP), and to implement and enforce the requirements and regulations of the NFIP through a floodplain overlay zone.

(b) *Findings.*

(1) 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.

(2) Potential flood losses are caused by:

a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;

b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and

c. Uses unsuitable for floodplain areas or that do not account for the increased flood risk.

(c) *Purpose.* The purpose of the floodplain overlay zone is to promote the public health, safety, and general welfare, and to minimize public and private loss due to flood 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, 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 special flood hazard areas 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.

(d) *Methods.* 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 may 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.

(4) Controlling the 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.

(e) *Interpretation.* This chapter shall be interpreted in such a manner as to give effect to these purposes and methods.

Sec. 21-16-2. - Scope and Application.

(a) *Application of floodplain overlay zone.* This floodplain overlay zone includes all special flood hazard areas (SFHAs) identified by the Federal Emergency Management Agency (FEMA) and shown on the city's effective flood insurance rate map (FIRM) or flood boundary floodway maps; and all areas identified by the city as having an inherent risk of flooding as documented and supported using best available data. The most restrictive data shall apply if the FIRM, flood boundary floodway maps, Flood Insurance Study (FIS) or best available data differ.

(b) *Effect of provisions.* 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, permitted uses and conditional uses located within a SFHA shall be developed in conformance with the requirements of the underlying zone and the floodplain overlay zone including supplemental conditions and standards set forth in this chapter. In cases of conflict, the most restrictive provisions shall govern.

(c) *Scope.* All development, new construction, substantial improvement, repair of substantial damage, structures, manufactured homes, recreational vehicles, permanent storage of materials and equipment, changes in use of land and changes in use of structures in the floodplain overlay zone shall comply with the provisions of this chapter.

Sec. 21-16-3. - Adoption of Maps and Studies

The city hereby adopts the following:

(a) The FIRM, as updated and amended by FEMA;

(b) The scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," (FIS) as updated and amended by FEMA; and

(c) The Flood Boundary-Floodway Maps, as updated and amended by FEMA; and

(d) The flood hazard boundary map (FHBM).

Sec. 21-16-4. - Definitions

The general definitions for Title 21 – Land Development Code are found in Chapter 21-37. The definitions that follow apply to this chapter, Chapter 21-16 – Floodplain Overlay Zone, only.

(a) ***Addition*** is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

(b) ***Base Flood Elevation (BFE)*** is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE on the city's FIRM that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

(c) ***Best Available Data*** is existing flood hazard information adopted by the City and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the City.

(d) ***Code of Federal Regulations (CFR)*** is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

(e) ***Conditional Letter of Map Revision (CLOMR)*** is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

(f) ***Crawlspace*** means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.

(g) ***Enclosure*** refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

(h) ***Erosion*** means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

(i) ***Existing Construction*** refers to structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as ***Existing Structures***.

(j) ***FEMA*** means the Federal Emergency Management Agency.

(k) ***Flood or Flooding*** means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

(2) Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this chapter.

(l) ***Flood Hazard Boundary Map (FHBM)*** is an official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.

(m) ***Floodplain Development Permit*** is a City-issued permit or document that is used for any development, new construction, substantial improvements, repair of substantial damage, placement of mobile home or recreational vehicle, or permanent storage of materials or equipment that occurs within a SFHA identified by FEMA or the City.

(n) ***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

(o) ***Floodproofing*** means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

(p) ***Letter of Map Revision (LOMR)*** means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

(q) ***Lowest Adjacent Grade (LAG)*** means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

(r) ***Map*** means the FHBM or the FIRM.

(s) ***Mean Sea Level*** means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on the City's FIRM are referenced.

(t) ***New Construction*** means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(u) ***New Manufactured Home Park or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Sandy City.

(v) ***No-Rise Certifications*** are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in

accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the City during the occurrence of a base flood event.

(w) ***Regulatory 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 a designated height.

(x) ***Riverine*** means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

(y) ***Special Exception*** means a grant of relief by the City from and in accordance with the requirements of this chapter.

(z) ***Special Flood Hazard Area (SFHA)*** means the land in the floodplain within the City subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V on the city's FIRM. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

(aa) ***Structure*** means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. ***Structure,*** for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;

(2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the City's floodplain management and building ordinances or laws.

(4) For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

(bb) ***Water surface elevation*** means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

(cc) ***Watercourse*** means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Sec. 21-16-5. - Designation of The Floodplain Administrator

The Public Utilities Director or designee shall be the floodplain administrator and is authorized to administer and implement the provisions of this chapter and other federal and state regulations pertaining to floodplain management.

Sec. 21-16-6. - Responsibility of the Floodplain Administrator.

The floodplain administrator shall be authorized to:

(a) Enforce regulations in a manner consistent with:

(1) the purposes and methods of this chapter;

(2) the NFIP;

(3) reducing risk when possible; and

(4) increasing the City's resistance to future disasters.

(b) Determine if a proposed development is located in the regulatory floodway or floodplain.

(c) Require submittal of and review all floodplain development permit applications for the following:

(1) compliance with the encroachment provisions for development in a floodway or floodplain.

(2) compliance with the requirements of this chapter.

(3) to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.

(d) Require submittal of the following for inclusion in the city's information file:

(1) 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.

(2) For all new or substantially improved floodproofed structures,

a. the actual elevation provided by a registered licensed engineer/surveyor (in relation to mean sea level) to which the structure has been floodproofed.

b. floodproofing certifications required in this chapter.

(3) Records pertaining to the provisions of this chapter shall be available for public inspection.

(e) Require the following prior to authorizing alteration of watercourses:

(1) A permit issued by 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.

(2) A permit issued by the State Engineer for alteration of a natural stream channel.

(3) maintenance agreement or other arrangement approved by the city for future maintenance planned to prevent reduction of the flood-carrying capacity within the altered or relocated portion of the watercourse.

(4) Notification 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 to be submitted to the Federal Emergency Management Agency.

(f) Interpret flood insurance rate maps and boundaries as follows:

(1) The floodplain administrator shall make interpretations, where needed, as to the exact location of the boundaries of the SFHA. Any person contesting the location of a boundary may appeal the interpretation as provided in this chapter.

(2) When BFE data has not been provided by FEMA, the floodplain administrator may obtain, review, and utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this chapter.

Sec. 21-16-7. - Floodplain Development Permit Review and Approval

(a) *Permit required.* It shall be unlawful to engage in development, new construction, substantial improvement, repair of substantial damage or permanent storage of materials or equipment in the floodplain overlay zone without first obtaining a floodplain development permit.

(b) *Application.* Prior to any development, new construction, substantial improvement, repair of substantial damage or permanent storage of materials or equipment within the floodplain overlay zone, an application for floodplain development permit must be made on forms furnished by the Public Utilities Department. The application shall conform to the requirements of this chapter and shall include plans drawn to scale showing the nature, location, dimensions, and elevations of the proposed development,

existing and proposed structures, landscaping, fill, storage of materials, drainage facilities, and accurately showing the boundaries of SFHAs as shown on current FEMA maps. Specifically, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level of floodproofing for each nonresidential structure;

(3) A certificate from a registered professional engineer or architect that each nonresidential floodproofed structure meets the floodproofing criteria of this chapter;

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of development.

(c) *Public documents.* Copies of all floodplain development permits and the associated documents shall become property of Sandy City and a public record.

Sec. 21-16-8. - Criteria for Approval or Denial of a Floodplain Development Permit

(a) *Regulatory floodway.* Development, new construction, substantial improvements, repair of substantial damage, and permanent storage of materials or equipment are prohibited in a regulatory floodway, except as provided for in this chapter. A floodplain development permit shall not be issued for property within a regulatory floodway unless: (1) the regulatory floodway is relocated in accordance with the provisions of this chapter and other applicable laws, ordinances and regulations; or (2) a no-rise certification is provided.

(b) *Outside of regulatory floodway.* If a regulatory floodway has not been designated, development, new construction, substantial improvements, repair of substantial damage, and permanent storage of materials or equipment are prohibited within Zones A1-30, AE, and AH on the City's FIRM, unless it is demonstrated that the cumulative effect of the development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the City as follows:

(1) more than 1.00 feet; or

(2) more than the higher standard options for Zones A1-30, AE, and AH adopted by the City on the City's FIRM. Applicant may initiate FIRM revision through the CLOMR process under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations. The City may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00 foot, provided that the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process are met.

(c) *Adverse effects.* If the floodplain administrator determines that the proposed development may adversely affect the BFE(s), boundaries of the floodplain or any insurable structure, the applicant shall submit technical justification. If requested by the floodplain administrator based on review of the technical justification, the applicant shall submit a CLOMR or LOMR prior to the floodplain development permit approval or as a requirement of the permit.

(d) *Relevant factors.* Approval or denial of a floodplain development permit for development, new construction, substantial improvements, partial or total repair of substantial damage that is not prohibited shall be based on all of the provisions of this chapter and consideration of the following relevant factors:

(1) Whether materials may be swept into other lands.

(2) Possible flooding or erosion damage.

(3) The susceptibility of structures and contents to flood damage and the effect of such damage on current and future owners.

(4) The importance of the services provided by the proposed facility to the City.

(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 impacts for that area.

(9) 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 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.

(12) Other factors articulated in the approval or denial.

Sec. 21-16-9. - Requirement to Submit New Technical Data for LOMR or CLOMR.

(a) If, prior to development, developer or property owner obtains a CLOMR from FEMA the property owner or developer shall submit a LOMR to FEMA within 6 months after project completion.

(b) If development alters a watercourse, modifies floodplain boundaries, or modifies BFE the property owner or developer shall submit a LOMR to FEMA within 6 months after project completion.

(c) The property owner or developer shall prepare technical data to support the CLOMR or LOMR application and shall pay any processing or application fees to FEMA. The property owner or developer shall submit the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.

(d) The floodplain administrator may sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, only after the applicant demonstrates that the development will or has met the requirements of this chapter and all applicable state, federal, and local laws.

Sec. 21-16-10. - Appeal.

(a) *Appealing the floodplain administrator's decision.* The applicant, a board or officer of the city, or any person adversely affected by the floodplain administrator's decision administering or interpreting this chapter 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 floodplain administrator in the administration or interpretation of this chapter.

(b) *Panel of experts for floodplain overlay zone*. An applicant who has appealed a decision of the floodplain administrator 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 to 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.

(c) *Conflict; costs.* No member of the panel of experts shall be associated with the application that is the subject of the appeal. The applicant shall pay one-half of the cost of the panel in addition to the city's appeal fee established by the city council.

Sec. 21-16-11. - Special Exceptions.

(a) *Compliance with FEMA required.* The planning commission may grant a special exception in accordance with this section if the floodplain administrator determines the special exception is permitted by FEMA.

(b) Property contiguous to existing structures. If a lot is contiguous to and surrounded by lots with existing structures constructed below the base flood level, a property owner may request a special exception from the planning commission for the lowest floor elevation of new construction, substantial improvements or repair of substantial damage.

(1) *Qualifications*. The exception is limited to the following:

a. The lot must be one-half acre or less in size or subject to additional technical justifications.

b. The development, new construction, substantial improvement or repair of substantial damage shall not cause an increase in flood levels during the base flood discharge.

c. Compliance with Sec. 21-16-21:(a)(1) through (11) shall be required.

(2) *Required findings.* A special exception shall only be issued if Planning Commission finds the following:

a. The special exception is the minimum necessary to afford relief and minimizes the flood risk to the maximum extent practicable.

b. There is good and sufficient cause.

c. Failure to grant the special exception would result in exceptional and undue hardship to the applicant;

d. 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, or conflict with existing local laws or ordinances; and

e. Applicant is aware that if a special exception is granted, the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation allowed by the special exception.

(c) Structures listed on the National Register of Historic Places or the State Inventory of Historic Places. If a substantial improvement or repair of substantial damage is for reconstruction, rehabilitation or restoration of a structure listed on the national register of historic places or the state inventory of historic places, a property owner may request a special exception from the requirements of this chapter from the planning commission.

(1) *Qualifications*. The special exception is limited to reconstruction, rehabilitation or restoration of the listed structure.

(2) *Required findings*. A special exception shall only be issued if planning commission finds that the structure is listed on the National Register of Historic Places or the State Inventory of Historic Places.

(d) *Information to be submitted.* An applicant for a special exception shall submit the following:

(1) Alternatives;

(2) Technical justification for the request;

(3) Description of the need for the special exception;

(4) Evidence that there will be no increase in flood levels during the base flood discharge; and

(5) Verification that applicant is aware that the cost of flood insurance will be affected.

(e) *Imposition of additional requirements.* Upon consideration of the factors noted above and the intent of this chapter, planning commission may attach such conditions to the granting of special exceptions as it deems necessary to further the purpose and objectives of this chapter.

(f) *Appeal*. Any person or persons aggrieved by the decision of the Planning Commission may appeal such decision to the Board of Adjustment.

(g) *Record of special exception.* The Floodplain Administrator shall maintain a record of all actions involving a special exception and shall report special exceptions to FEMA and the State Coordinating Agency upon the issuance of a special exception.

Sec. 21-16-12. - Regulatory Floodways.

(a) Except as permitted by this section, it shall be unlawful to engage in development, new construction, substantial improvements, repair of substantial damage or permanent storage of materials or equipment in regulatory floodways.

(b) Except as permitted by this section, it shall be unlawful to encroach upon regulatory floodways, including fill, development, new construction, substantial improvements, repair of substantial damage, and permanent storage of materials or equipment.

(c) A floodplain development permit may be granted by the floodplain administrator within the regulatory floodway if a registered professional engineer or registered professional land surveyor certifies, in writing signed and stamped by the professional engineer or surveyor, that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. The written certification shall include all calculations and other information as requested by the floodplain administrator. If an exception is granted, the following shall apply:

(d) All encroachments, development, new construction, substantial improvements, repair of substantial damage, and permanent storage of materials or equipment shall comply with all applicable provisions of this section.

(e) Applicant must first coordinate a conditional FIRM and regulatory floodway revision through FEMA before any encroachment may be permitted.

Sec. 21-16-13. - Substantial Improvement and Substantial Damage Determination

(a) Substantial improvements and repairs to substantial damage shall comply with provisions of this chapter.

(b) For purposes of this chapter the following terms shall have the following definitions:

(1) Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds 50 percent, unless a higher standard option is selected below, of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as Substantial Improvement. If the structure has sustained Substantial Damage, any repairs are considered Substantial Improvements regardless of the actual repair work performed. For Substantial Damage, refer to Sec. 21-16-25: Substantial Damage. The term does not, however, include either:

a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or

b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(2) Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as Substantial Improvement and will be required to meet the development requirements set forth within this ordinance for Substantial Improvement.

(c) The floodplain administrator shall determine if a building permit application involves substantial improvements or repair of substantial damage as follows:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.

(3) Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of other permits issued for improvements and repairs.

(4) Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.

(5) The Substantial Improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.

(6) If it is determined that the work constitutes substantial improvement or partial or complete repair of substantial damage, compliance with this chapter is required.

Sec. 21-16-14. - Development Standards Within the Floodplain Overlay Zone.

In addition to the general development standards found elsewhere in this title, the following standards shall be required for all new construction, placement of manufactured homes, substantial improvements, partial or complete repair of substantial damage, and permanent storage of materials or equipment in the floodplain overlay zone:

(a) *Anchoring*.

(1) Anchoring shall be required to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.

(2) Anchoring for manufactured homes shall use 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 include:

a. 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.

b. 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.

c. Components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

d. Additions to the manufactured home shall be similarly anchored.

(b) *Construction Materials and Methods*.

(1) Materials and utility equipment shall be resistant to flood damage.

(2) Construction methods and practices shall minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) 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.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) *Development Applications*.

(1) All subdivision applications including the development of manufactured home parks and subdivisions shall be consistent with the provisions of this chapter, shall have adequate drainage provided to reduce exposure to flood hazards, and shall meet Development Permit requirements of this chapter.

(2) BFE data shall be generated by the developer for any subdivision or other proposed development including the development of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, whichever is lesser.

(3) All development including the development of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(4) All development shall have adequate drainage provided to reduce exposure to flood damage.

(5) FEMA approved base flood elevation data shall be provided for development applications.

(e) *Residential Construction.* Each residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this chapter are satisfied.

(f) *Nonresidential Construction.* Each 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:

(1) 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;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) 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 floodplain administrator; and

(4) If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure shall not be used when determining compliance of the structure to

the requirements of this chapter. A building converted from commercial to residential use will be required to comply with the residential construction requirements of this chapter.

(g) *Enclosures Below the Lowest Floor.* Fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement 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:

(1) 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.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of flood waters.

(4) The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

(5) For any nonresidential construction that has an enclosure below the lowest floor, a non-conversion agreement must be completed as part of the permitting process. The non-conversion agreement:

a. Acknowledges the risk associated with this building practice;

b. Acknowledges the use of the area that was permitted as an enclosure will be used solely on a nonresidential accessory structure of low value whose usage is only for building access, parking or storage; and

c. Allows for City, state and/or federal officials to conduct periodic inspections to ensure compliance.

(h) *Manufactured Homes*.

(1) All manufactured homes within Zone A on the city's FHBM or FIRM shall be installed using methods and practices that minimize flood damage.

(2) Manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. 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.

(3) Manufactured homes within Zones A1-30, AH, and AE on the City's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the BFE, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) Manufactured homes within Zones A-1-30, AH, AO and AE on the City's FIRM on sites in an existing manufactured home park shall be elevated so that the lowest floor is at or above one (1) foot above the BFE; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

(i) *Recreational Vehicles.* Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City's FIRM shall: (a) be on-site for fewer than 180 consecutive days, be fully licensed and ready for highway use; or (b) be subject to a floodplain development permit and meet elevation and anchoring requirements for manufactured homes.

(1) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) This only applies to recreational vehicles that are:

a. Built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

(j) Crawlspace.

(1) Structures built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

(2) The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed and approved by a qualified design professional, such as a registered architect or professional engineer.

(3) The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.

(4) The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding. The flood opening must allow floodwaters to automatically enter and exit the enclosure as required by FEMA Technical Bulletin 1.

(5) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(6) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

(7) The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.

(8) The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.

(9) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

(10) Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

Sec. 21-16-15. - Jordan River Floodplain; 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-16-28)

Sec. 21-16-16. - Violation and Enforcement

(a) *Violation.* Failure to fully comply with the requirements of this chapter is a violation. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until that documentation is provided.

(b) Stop work order.

(1) Authority. The Floodplain Administrator is authorized to issue a stop work order for any work or activity being performed contrary to the provisions of this chapter as determined by the floodplain administrator.

(2) Issuance. The stop work order shall be in writing and shall be given to the property owner, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which work will be permitted to resume.

(3) Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement including penalties as prescribed by local or state law.

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 including Low Impact Development (LID) and Green Infrastructure (GI) features planned for inside the protection zones and groundwater recharge areas shall be planned, designed, permitted and constructed in accordance with applicable local, State, and Federal laws and regulations.

(2) The discharge or injection of stormwater into drainage wells, open sinkholes, sumps or anything else that would be considered an injection well shall be prohibited in Zones 1 and 2. Where these type of features are approved, treatment requirements identified in Sandy City Standard Specifications shall be met.

(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 Department. 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

Land Use Matrix for Potential Contamination Sources

Potential Contamination Source	Protection Zone					Best Management Practices
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
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						
•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, fiberglass, 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	
Pervious surfaces	P	P	N	N	P	Meet Sandy City Standard Specifications
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 algaecides.

(aaa) Soaps, detergents and surfactants.

(bbb) Solders and fluxes.

(ccc) Stripping compounds.

(ddd) Tanning industry chemicals.

(eee) Transformer and capacitor oils and fluids.

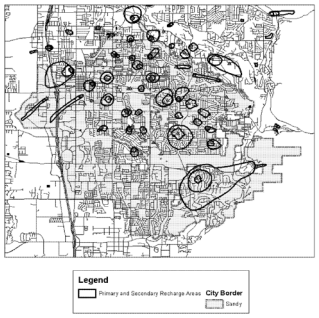
(fff) Wastewater.

(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 21-20. - 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

Requirement	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8 INF	R-1-7.5(HS)	R-1-6	R-2-10	R-2-8
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

	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8(INF)	R-1-7.5(HS)	R-1-6	R-2-10	R-2-8
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

Zone	One-Story Split Level and Split Entry (square feet)		Two-Story Total Both Levels (square feet)	
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 as allowed in this Code. 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 minimum parking requirements outlined in this code shall be adhered to except as allowed herein.

1. All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right-of-way.

2. 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.* A private driveway or alley must comply with all established standards in this Code.

7. *Privacy.* Each planned unit 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 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. Post-Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.

(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. Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

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. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standards Specifications.

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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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

	RM 4	RM 6	RM 8	RM 10	RM 12
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[3]

Footnotes:

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State Law reference— Subdivision regulations, U.C.A. 1953, § 10-9a-601 et seq.

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)

Sec. 21-21-2. - General Development Standards.

The standards and improvements required of this chapter shall apply to all development within Sandy City (unless modified or eliminated as allowed herein), whether a subdivision is required or not (e.g. lot of record). All standards found herein shall also be in conformance to the Sandy City Standard Specifications and Details for Municipal Construction (herein known as "Standard Specifications", as adopted by Sandy City. City inspections are required for the installation of all required improvements. If the developer/builder/owner fails to have the City 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.

(Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Editor's note— Ord. No. 19-23 , § 1(Exh. A), adopted Oct. 8, 2019, amended § 21-21-2 in its entirety to read as herein set out. Former § 21-21-2 pertained to Curbs, Gutters, Sidewalks and Drive Approaches and derived from LDC 2008, § 15A-21-02.

Sec. 21-21-3. - Residential Driveways.

(a) Driveways shall be provided for all residential building lots to access the primary garage. A driveway is not required to access a detached structure. If the access to the structure is used to store vehicles, then the surface must be paved. The drive approach for the driveway shall be a minimum width of 12 feet and shall not exceed the maximum width of 36 feet. A secondary drive approach may be permitted upon review and approval by the City Engineer as permitted in this code.

(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 in compliance with the Standard Specifications.

(e) A driveway that exceeds 150 feet in length may be deemed a Fire Department access road, as determined by the Fire Marshal, and must follow the design requirements of a private lane.

(LDC 2008, § 15A-21-03; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Standard Specifications. 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 Standard Specifications. 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Sec. 21-21-5. - Fire Hydrants.

Fire hydrants shall be installed by the developer in accordance with the Standard Specifications, the International Fire Code, and other local ordinances at locations designated by the Fire Department as approved on the City-approved construction drawings. The roadway where a hydrant is located is a fire access road; the minimum roadway width shall be 26 feet within 20 feet of the hydrant.

(LDC 2008, § 15A-21-05; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Standard Specifications. 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 Standard Specifications. 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 Standard Specifications. 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Sec. 21-21-7. - Drainage Systems.

Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

(LDC 2008, § 15A-21-07; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Director 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.

(4) Comply with applicable provisions of the Sensitive Area Overlay Zone and Floodplain Overlay Zone.

(LDC 2008, § 15A-21-09; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Sec. 21-21-10. - Street Standards for All Types.

(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 Standard Specifications. 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 State and Federal 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. They shall be located at a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property area to be served, measured in a straight line between accesses.

(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 Director and City Engineer, under the following circumstances:

a. Thirty or fewer lots/units are accessed from the single ingress/egress;

b. The Director and City Engineer 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 Director and City Engineer to the Planning Commission:

1. One or more cul-de-sacs, hammerheads, or other approved turn-arounds 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 as approved by the City Engineer and Fire Marshal. A temporary turn-around on a public street may include all approved types adopted in the Standard Specifications. The turn-around may be eliminated or repurposed once the stub street is connected as a through street.

(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 (unless modified by a waiver or special exception as allowed herein):

Street Type	*Right-of-Way Width*
Major arterial	108+ feet
Minor arterial	92 feet
Major collector	82 feet
Minor collector	64 feet
Local	52 feet
Private street	52 feet (27 feet pavement width minimum)

Private lane	20 feet pavement width minimum
Alley	26 feet (20 feet pavement minimum (one-way)) 30 feet (24 feet pavement minimum (two-way))
Pedestrian mew	26 feet (8 feet pavement width)

(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 upon reviewing a neighborhood master plan;

d. A minimum pavement width of 20 feet will be required as recommended by the City Engineer; and

e. Conformance with Fire Access Roads requirements.

(h) A cul-de-sac, or single access road, is discouraged, but may be permitted (as allowed herein) on local streets. It must be terminated by an approved turn-around designed according to the Standard Specifications. A cul-de-sac is the only type of permitted termini for a public street. Private streets may use any form of terminus as approved by the City Engineer and described in the Standard Specifications. A cul-de-sac, or single access road, shall not exceed 500 feet in length, as measured from its intersection of centerlines with another street to the furthest edge of the top back of curb of the turn-around.

(1) *Special Exception.* The Planning Commission may grant a special exception to allow a cul-de-sac, or single access road, to extend up to a maximum of 750 feet, after considering a recommendation from the Director and City Engineer, and under the following circumstances:

a. It is demonstrated that the proposed development is land-locked by properties that are already fully developed;

b. No feasible second point of access can be master planned with redevelopment of the surrounding properties; and

c. The Director and City Engineer 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 increasing the length of the road.

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles. The City Engineer may approve minor deviations of up to ten degrees.

(j) No street names shall be used which will duplicate the names of existing streets. Street names are subject to the approval of Salt Lake County.

(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) Curbs, gutters, parkstrips, and sidewalks shall be required on all existing and proposed public and private street frontage of any lot within a subdivision or legal buildable parcel in conformance with the Standard Specifications. The Planning Commission may grant a special exception to waive any of these improvements, after considering a recommendation from the Director and City Engineer. They shall consider and evaluate the following criteria:

(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;

(6) Flood control and storm drainage;

(7) Pedestrian safety and walkable element demands;

(8) The proposal equitably balances the needs of the public and presents the most efficient use of land;

(9) The potential negative impacts created by the waiver(s); and

(10) The cumulative effect of all the waivers and any other exceptions requested for the development.

(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 International Fire Code.

(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. When a divided roadway is proposed, the gate width shall not be less than 12 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 Director and City Engineer based upon the need for restricted vehicle access and protection of fire hydrants.

(q) All streets are to be designed to serve as a Fire Department access road. Said roads shall not exceed ten percent slope except as approved by the Fire Marshal and City Engineer. They cannot be varied less than 20 feet to 26 feet, as determined necessary by the Fire Marshal. To ensure access is maintained, roadways with less than 26 feet of width may be required by the Fire Marshal to have "No Parking, Fire Lane" signs. Roadways with widths between 26 feet and 32 feet may be required by the Fire Marshal to have the same signs on one side of street.

(LDC 2008, § 15A-21-10; Ord. No. 14-29, 9-28-2014; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019; Ord. No. 19-35 , § 1(exh. A), 12-17-2019)

Editor's note— Ord. No. 19-23 , § 1(Exh. A), adopted Oct. 8, 2019, changed the title of § 21-21-10 from Streets to Street Standards for All Types.

Sec. 21-21-11. - Additional Standards for Private Streets/Lanes/Alleys/Pedestrian Mews.

(a) Public street systems shall be required for access to all residential dwellings, 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/alley/pedestrian mew is allowed by the Planning Commission through a Special Exception, the private street/lane may not be counted toward the lots square footage to meet the minimum lot size of the zone. 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.

(c) A private street shall be designed and function similar to a public road. They shall provide frontage and access (guaranteed through a shared access easement) to each lot it serves. Either it must be designed to be owned commonly on its own parcel or the lots that front onto the street must own to the center of the road. 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. The following regulations apply to all proposed new developments:

(1) Approved private streets for access to residential dwelling structures shall have a 27-foot minimum width paved surface (52-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 Director and City Engineer. They shall consider and evaluate the following criteria for a narrower pavement width:

a. Existing site conditions, topography, improvements, etc.;

b. Compliance with International Fire Code requirements and water availability;

c. Number of lots based on zoning;

d. Lot dimensions including frontage;

e. Flood control and storm drain;

f. Public utilities;

g. The proposal equitably balances the needs of the public and presents the most efficient use of land;

h. The potential negative impacts created by the exception(s); and

i. The cumulative effect of all the waivers and other exceptions requested for the development.

(2) Private streets shall have appropriate turn-arounds at the termini of the road as required by the Standard Specifications.

(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 (using a vehicle type similar to that of a fire apparatus) that is approved by the City Engineer.

(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 for fire access roads shall be maintained at all times. To ensure access is maintained, roadways with less than 26 feet of width shall have "No Parking, Fire Lane" signs at locations deemed appropriate by the Director and Fire Marshal.

(5) All private streets, including termini, shall be constructed in accordance with the latest edition of the Standard Specifications, the International Fire Code, this title, and all other applicable City ordinances.

(e) A private lane shall be utilized to provide access for up to two residential lots that do not have frontage to a public or private roadway. They shall be unnamed nor given a street coordinate. They shall be less than 150 feet in length, as measured from the top back of curb of the intersecting street to the edge of the pavement or required terminus of the lane.

(1) They 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 (using a vehicle type similar to that of a fire apparatus).

(2) The Director, 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 Planning Commission may grant a special exception to exceed the length beyond 150 feet, after recommendation from the Director and City Engineer. 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. Appropriately designed 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 Standard Specifications, this title, the International Fire Code, and all other applicable City ordinances.

(f) An alley may be utilized to provide rear access to a mixed-use or PUD development only, so long as the development has primary access to a public or private street or a pedestrian mew. The alley is meant to serve primarily as a utility and vehicle service corridor.

(1) An alley shall have a 20-foot minimum width paved surface for a one-way road, and shall have a 24-foot minimum paved surface for a two-way road. 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 (using a vehicle type similar to that of a fire apparatus).

(2) The City Engineer and Fire Marshal shall have the authority to require an increase in the minimum widths if:

a. They determine that the 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 that limit access.

(3) An alley shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances shall be maintained at all times. Maintenance, sweeping, and snow/trash removal is the responsibility of the lot owners which access the alley.

(4) All alleys shall be constructed to meet Public Utility Department requirements related to water and storm drainage.

(5) A structure shall be placed no closer than three feet to the alley.

(6) Access driveways to the alley shall be no more than three feet in depth to a garage. Alternatively, the driveway shall be a minimum 20-foot depth to allow for off street vehicle parking.

(g) A pedestrian mew may be utilized to provide primary building access and serve as building frontage to a mixed-use or PUD development only if the mew connects to a public or private street network. These shall be named and given coordinates like a street as they serve as the primary frontage to a building. These are to be used in conjunction with an alley or parking lot drive aisle to provide vehicular access to the development.

(LDC 2008, § 15A-21-11; Ord. No. 14-29, 9-28-2014; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Editor's note— Ord. No. 19-23 , § 1(Exh. A), adopted Oct. 8, 2019, changed the title of § 21-21-11 from Additional Standards for Private Streets/Lanes to Additional Standards for Private Streets/Lanes/Alleys/Pedestrian Mews.

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 Standard Specifications. 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Standard Specifications.

(LDC 2008, § 15A-21-14; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 and trails 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 the Director based on the City's approved Trails Master Plan.

(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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Standard Specifications.

(LDC 2008, § 15A-21-20; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Standard Specifications.

(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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 be regulated as a private lane and shall front on and be contiguous to a dedicated public street or private street.

(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.

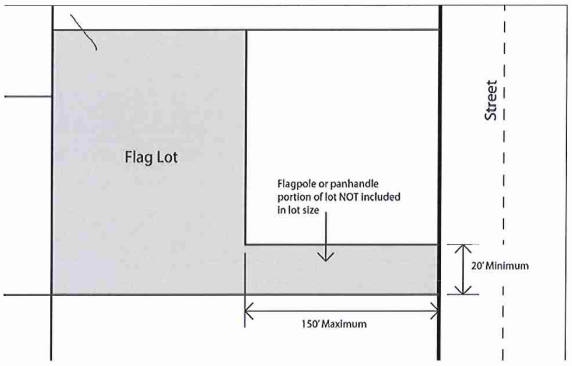
(8) No more than two flag lots can be served by the staff portion.

(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) No flag lots shall be permitted at the end of an approved cul-de-sac or other private road terminus.

(12) 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 and Special Exceptions.

Any waiver or special exception authorized by the Planning Commission as allowed in this title shall be shown on the final plat and the reasons for them shall be entered in writing in the minutes of the Planning Commission meeting.

(LDC 2008, § 15A-21-25; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Editor's note— Ord. No. 19-23 , § 1(Exh. A), adopted Oct. 8, 2019, changed the title of § 21-21-25 from Waivers to Waivers and Special Exceptions.

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 Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

(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.

District	Front Standard Setback*	Side, Shared Party Walls Allowed	Side, No Shared Walls	Side, Abut Residential**	Rear, Standard	Rear, Abut Residential District**
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 Sego 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.

District	Building Height	Max Height within 250 feet of Residential District
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
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.

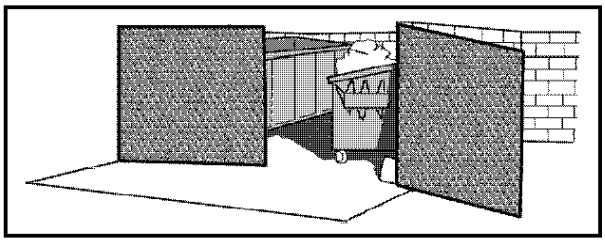
(c) *Traffic Safety.* No outside displays (either permanent or temporary) shall be permitted to block required driveways, traffic visibility, traffic and parking aisles, parking spaces, public rights-of-way (including sidewalks), nor be located upon any landscaped area (other than on approved display 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) Post-Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.

(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. Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

(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) Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications.

(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.

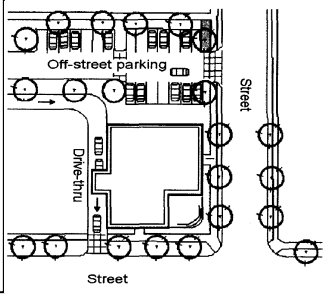
b. *Queuing Design Standards.*

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 the 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 recommend 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	(*Quercus macrocarpa*)
Hedge Maple	(*Acer campestre*)
Little Leaf Linden	(*Tilia cordata*'Greenspire') *Tilia cordata 'Rancho')*
London Plane	(Platanus acerifolia)
Norway Maple	(*Acer platanoides* 'Cleveland') (*Acer platanoides* 'Columnare') (*Acer platanoides* 'Emerald Queen') (*Acer platanoides* 'Schwedleri')

	(*Acer platanoides* 'Deborah')
	(Improved Schwedleri)
Red Maple	(*Acer rubrum* 'October Glory') *Acer rubrum* 'Red Sunset')
Red Oak	(*Quercus rubrum*)
Redmond Linden	(*Tilia euchlora* 'Redmond')
Sycamore Maple	(*Acer pseudoplatanus*)

6. For planted medians, and accent trees, both on-site and at intersections, the following trees may be used:

Bechtel Crab	(*Malus ioensis* 'Klehms Improved')
Bradford Pear	(*Pyrus calleryana* 'Bradford')
Crimson King Maple	(*Acer platanoides* 'Crimson King')
	(*Acer platanoides* 'Royal Red')
Flowering Plum	(*Prunus cerasifera* 'Blireiana')
Kwanzan Cherry	(*Prunus serrulata* 'Kwanzan')
Washington Hawthorn	(*Crataegus phaenopyrum*)

(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 Sego 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.

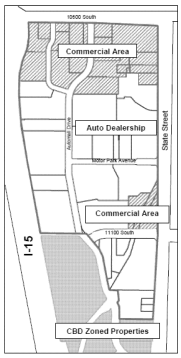
(1) *Automall Architectural Review.* Each site development plan proposed in the Automall District and its subdistricts, prior to its submission to the Planning Commission, shall be reviewed by staff for compliance with the Automall Master Plan and in accordance with the Sandy City's Architectural Design 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.

l. *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 retails 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/Destinational 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.

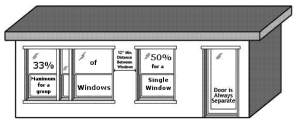
(b) Tall balloons designed to attract attention from long distances shall be allowed for each dealer only during the designated fly dates and shall follow the following criteria:

(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(Exh. A), 1-8-2019; 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.

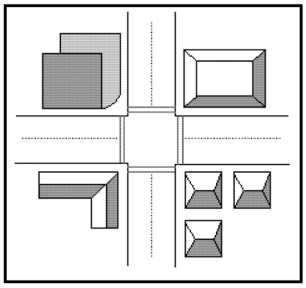
(2) *Parcel Size.* Parcels shall be of sufficient size to ensure compliance with building setbacks, landscaping, access, parking, and walkability standards.

(3) *Building Placement and Massing.*

a. *Setbacks.*

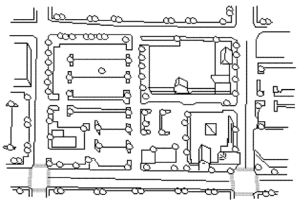
1. Building facades shall comprise at least 70 percent of each street edge identified as "build-to lines." To meet this requirement, building facades must be zero to five feet from street side (typically inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural 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.

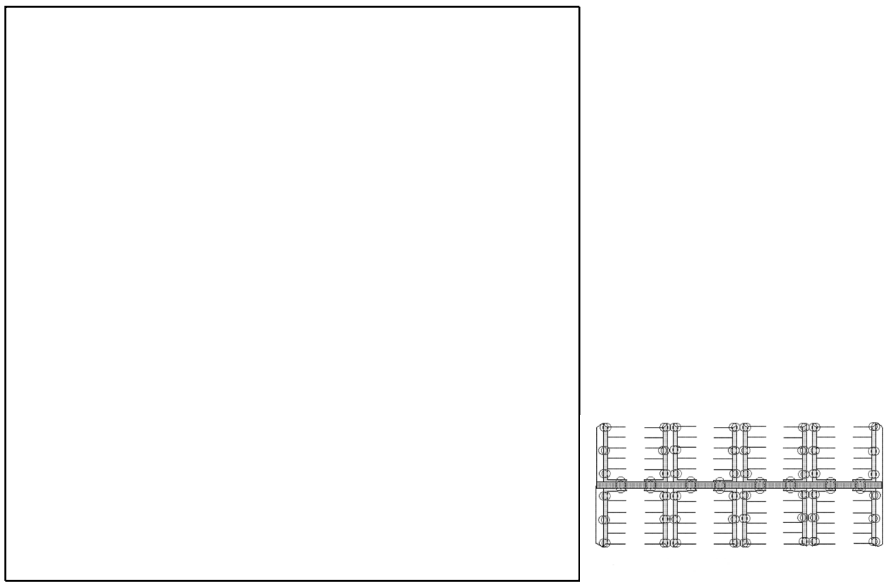
Anchor Retail



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.

Land Use	Commercial, Office and Vertical Mixed Use	Condos, Town Homes, Garden Apartments	Single-Family, Twin Homes, and Quads	Civic Uses and other Stand-Alone Uses
Minimum building height	Two stories	Two stories	One story	One story
Maximum building height	Four stories	Three stories	Two stories	Three stories

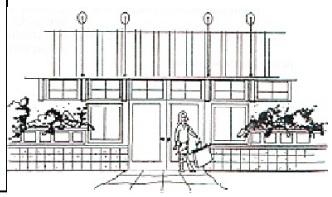
2. Buildings of greater height than allowed in the above table may be approved by the Planning Commission on a limited basis, based upon the size, scale, topography, and uniqueness of the development. Approved structures with additional height may be required to include suitable "step-back" architecture 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:

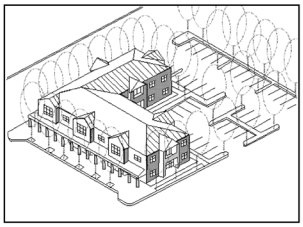
a. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.

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	(*Quercus macrocarpa*)
Flowering Pear	(*Pyrus calleryana* 'Redspire') (*Pyrus calleryana* 'Aristocrat')
Hedge Maple	(*Acer campestre*)
Little Leaf Linden	(*Tilia cordata* 'Greenspire') (*Tilia cordata* 'Rancho')
London Plane	(*Platanus acerifolia* 'Bloodgood')
Norway Maple	(*Acer platanoides* 'Cleveland') (*Acer platanoides* 'Columnare') (*Acer platanoides* 'Emerald Queen') (*Acer platanoides* 'Schwedleri') (*Acer platanoides* 'Deborah') (Improved Schwedleri))
Red Maple	(*Acer rubrum* 'October Glory') *Acer rubrum* 'Red Sunset')
Red Oak	(*Quercus rubrum*)
Redmond Linden	(*Tilia euchlora* 'Redmond')
Sycamore Maple	(*Acer pseudoplatanus*)

3. For planted medians and accent trees, both on-site and at intersections, the following trees may be used:

Bechtel Crab	(*Malus ioensis* 'Klehms Improved')
Crimson King Maple	(*Acer platanoides* 'Crimson King') (*Acer platanoides* 'Royal Red')
Flowering Plum	(*Prunus cerasifera* 'Blireiana')
Kwanzan Cherry	(*Prunus serrulata* 'Kwanzan')
Washington Hawthorn	(*Crataegus phaenopyrum*)

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.*

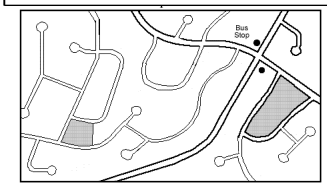
a. The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall-mounted floodlights are expressly prohibited. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Lighting of a building and site identification signs are permitted as allowed 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.

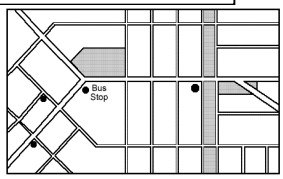
(10) *Streets and Pedestrian Ways.*

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.



Disconnected Street System



Connected Modified Grid System

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).

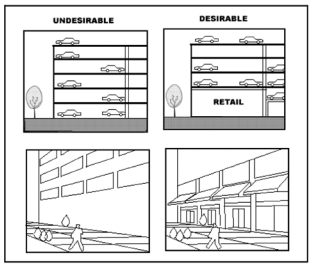
(12) *Parking Areas.* Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.

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.

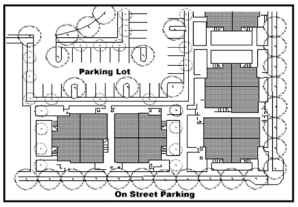
2. Dormers and/or shutters, and other window treatments.

3. Street side balconies/decks.

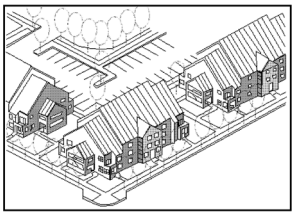
4. Streets which de-emphasize the need and speed of automobiles.

5. Other pedestrian oriented design

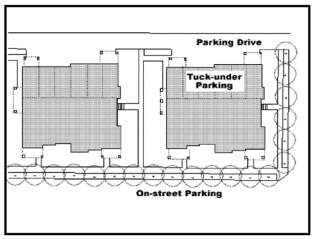
Garden Apartments—Plan View



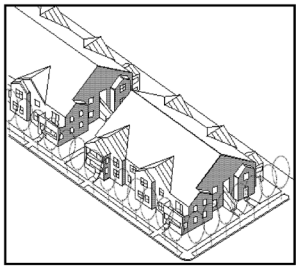
Garden Apartments—Elevations



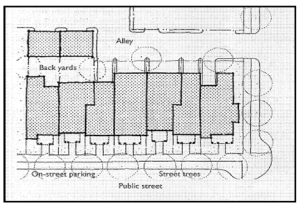
Condos w/Underground Parking—Plan View



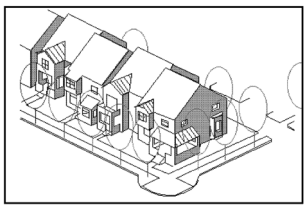
Condos w/Underground Parking—Elevations



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:

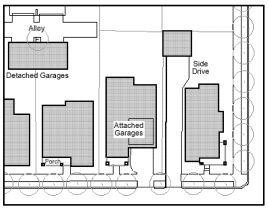
1. Subservient garages (i.e., back loaded detached with alley access, front loaded detached, attached but set back from the front line of the home by at least five feet, side entry attached, or a combination of the above).

2. Roofs with a four-twelfths pitch or greater.

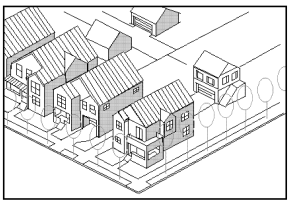
3. Dwelling and garage gables facing streets and alleys.
4. Covered open front porches comprising at least 50 percent of the front elevation (not including the garage), in no case being less than 15 feet in width.
5. Entry sidewalks that connect directly to public sidewalks.

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.

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(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 standard-sized 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.*

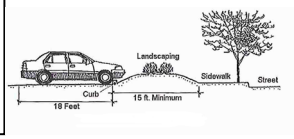
(1) All parallel parking spaces shall be a minimum of nine feet wide by 22 feet long, as designated on the diagram in this chapter.

(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:

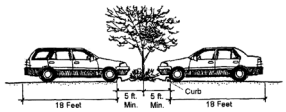
a. Where cars overhang landscape areas that are at least 15 feet wide along street frontages;

Reduction for Landscape Buffer



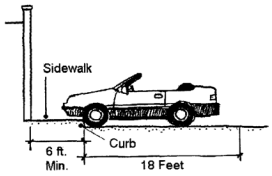
b. Where cars overhang landscape areas that are at least five feet wide along a side or rear property line or adjacent to an interior parking lot landscape area that is at least ten feet wide (for double loaded parking). In order to encourage Low Impact Development (LID) standards, double loaded parking may be built with 18 foot stalls and a four foot landscaped area in between (unless approved otherwise by Sandy City to accommodate LID design requirements);

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:

Type of Garage	Minimum Width	Minimum Depth	Minimum Square Footage
Single	12 ft.	20 ft.	240 sq. ft.
Double	20 ft.	20 ft.	400 sq. ft.
Triple	30 ft.	20 ft.	600 sq. ft.

Note: These dimensions are to be administered from the interior of the garage. No encroachments (i.e. stairs, doors, etc.) are allowed within these minimum areas.

(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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 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.

e. *Low to Moderate Income Housing.* A housing development that is proposing to set aside at least 20 percent of their units for residents that qualify for at least 80 percent low to moderate income.

(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 four or more 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.

(d) *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.

(e) *Drive-Thru Business Stacking Space.* (See Chapter 21-23, Commercial, Office, Industrial, and Transit Corridor Development Standards.)

(f) *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.

(g) *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 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 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 the use of other surfacing materials such as pervious surfaces, including but not limited to pervious concrete, porous asphalt or permeable interlocking concrete pavement. The use of any pervious surfaces shall comply with Sandy City Standard Specifications.

(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

Land Use Categories	Space Requirements
Residential, single-family detached and attached	
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
-guest parking	2-car off-street parking in the dwelling's driveway is required. Alternatively 0.25 spaces per unit after a base of 1 per unit for the first 5 units if provided in an off-street parking lot.
Dwelling, multiple-unit (apartments or stacked condominiums)	
-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 after a base of 1 per unit for the first 5 units in an off-street parking lot
NOTE: There shall be no less than 1.5 covered parking spaces (1.0 carports. 0.5 garages) per unit for single-family attached and multiple unit dwellings. Garages shall only be used for the parking of vehicles and cannot be used as storage facilities.	
Assisted living center, nursing home,	0.5 spaces per bed, plus 10% for support staff/physicians, plus a bus only parking stall to meet

convalescent home and other similar uses as determined by the planning Commission upon review.	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.
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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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

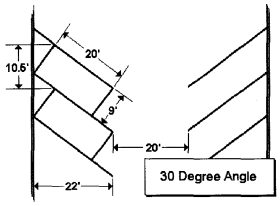
the adjacent manmade or natural environment and is used in an architecturally pleasing manner (such as quoins, pediments, etc.).

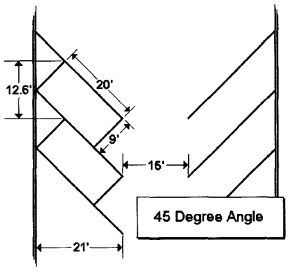
(e) *Landscaping.* The parking structure shall be landscaped at the base of the facility with trees and shrubs, along with other materials that will de-emphasize the use of the facility as a parking structure. It is strongly encouraged, but not required, to landscape the top level with trees, grass, and other pedestrian-friendly elements.

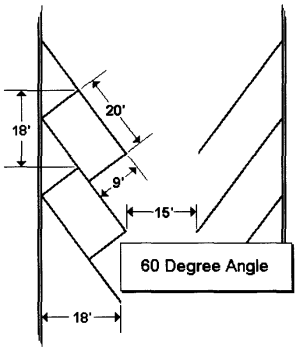
(LDC 2008, § 15A-24-09; Ord. No. 14-06, 4-23-2014)

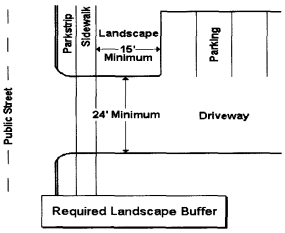
Sec. 21-24-10. - Parking Stall Dimensions.

Drive aisle widths shown below are minimums. If the drive aisle is determined to be a fire access road, this code and the International Fire Code may require additional width.









(LDC 2008, § 15A-24-10; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 Engineer and Fire Marshal. A 20 to 26-foot-wide, unobstructed driveway, lane, or other access way and turn-around may be required for this purpose, as required in the International Fire Code. No off-site maneuvering is permitted.

(LDC 2008, § 15A-24-14; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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 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.

(3) No driveway will be permitted within 30 feet of an ADA ramp as measured from the edge of driveway to the edge of the ADA ramp at the back of sidewalk.

(LDC 2008, § 15A-24-15; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

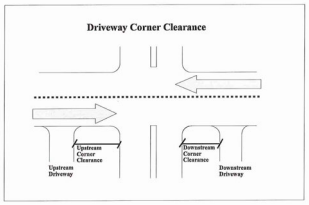
Sec. 21-24-16. - Driveway Separations.

(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 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 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.)

	Median Barrier Present	Arterial	Major Collector	Minor Collector
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 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Sec. 21-24-17. - Driveways; Widths and Curb Designs; Non-Single-Family Residential Developments.

(a) *One-Way.*

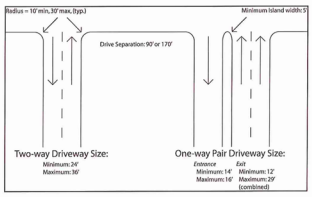
(1) One-way driveways shall be not less than 12 feet, nor more than 24 feet in width. A wider one-way driveway may be required by the Sandy City Fire Marshal.

(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. A wider driveway may be required by the Sandy City Fire Marshal.

(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 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, curb cuts and driveways shall be paved and shall provide for adequate drainage as defined in Sandy City Standard Specifications. When an opening is intended for redirecting storm water runoff into a LID feature, an energy dissipation system such as a 1-foot x 1-foot of cobbles shall be provided to protect the LID feature.

(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; Ord. No. 19-23 , § 1(Exh. A), 10-8-20)

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)

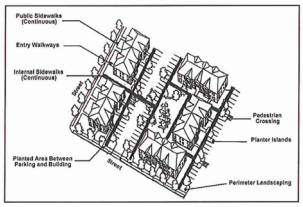
Sec. 21-24-20. - Pedestrian and Bicycle Access and Circulation Standards.

(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 reasonably 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 unless approved otherwise by Sandy City. 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, rock 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, Post-Construction Storm Water Maintenance Plan where applicable 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 Forrester.

(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:

$$\text{Landscape Water Allowance} = ET \times 1.0 \times 0.62 \times A$$

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

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 21-27. - 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) Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications

(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, Public Utilities Development Standards and Requirements, Storm Water Design Criteria, Jordan Valley Municipalities Permit (Permit UTS000001), Utah Construction General 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.

(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.

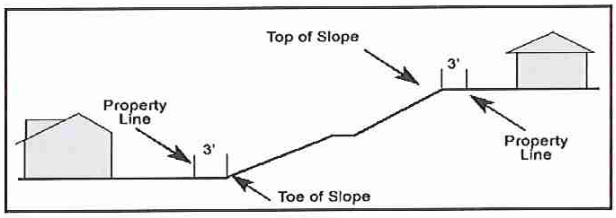
c. *Preparation of Ground to Receive Fill.* The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, or other deleterious material, and where slopes are five horizontal to one vertical (5:1) or steeper by benching into competent material. The lowermost 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 meet Sandy City Standard Specifications.

d. All provisions of the most current Sandy City Storm Water Ordinance, Sandy City Land Development Code, Sandy City Standard Specifications and Details, Public Utilities Development Standards and Requirements, Storm Water Design Criteria, 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. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications.

(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 improvements 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 21-30. - SUBDIVISION REVIEW[4]

Footnotes:

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State Law reference— Subdivisions, U.C.A. 1953, § 10-9a-601 et seq.

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;

(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. Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

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) are required according to the requirements identified in Sandy City Standard Specifications.

(11) Post Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.

(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 21-32. - 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) are required according to the requirements identified in Sandy City Standard Specifications.

(14) Post Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.

(15) Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

(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 driveways, 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) are required according to the requirements identified in Sandy City Standard Specifications.

n. Post-Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.

o. Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.

(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 21-37. - 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 roadway that provides a rear or side access vehicular access and a corridor for utilities and services 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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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.

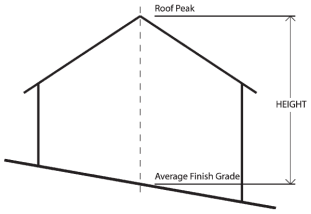
(16) *Botanical gardens* means a public or private facility for the demonstration and observations of the cultivation of flowers, fruits, vegetables, or ornamental plants.

(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 or 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. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or

2. The unusual and rapid accumulation or run off of surface waters from any source.

b. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

c. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(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. *Birthing 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 Heath 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.

l. *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 paraprofessional 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.

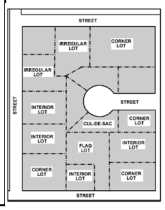
(6) *Library* means a public, nonprofit facility in which literary, musical, artistic, or reference materials, such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by loaning to patrons of the facility, but are not normally offered for sale.

(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 are 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 mew* means a public or privately owned pedestrian oriented corridor that serves a similar purpose of a street that provides frontage and public access to properties, but restricts vehicular use. These corridors are designed at a pedestrian scale consisting of an inviting walkway, landscape, and other pedestrian amenities and furnishings lined with building on either side (also known as a block break).

(13) *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.

(14) *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."

(15) *Permittee* means the person who has received a permit to operate or maintain a SWF under this chapter, or that person's authorized representative.

(16) *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.

(17) *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.

(18) *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.

(19) *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.

(20) *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.

(21) *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.

(22) *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.

(23) *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.

(24) *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.

(25) *Pole agreement* means an agreement by the owner of a pole in the ROW to place a SWF on the pole.

(26) *Porch.* See *Balcony.*

(27) *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.

(28) *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.

(29) *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.

(30) *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.

(31) *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.

(32) *Primary recharge area* means the areas depicted on the Drinking Water Source Protection Map on file in the Sandy City Public Utilities Department.

(33) *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.

(34) *Private tree.* See *Tree, private.*

(35) *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.

(36) *Protection Zone* means the delineation zones of the Drinking Water Source Protection Zone Map.

(37) *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.

(38) *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.

(39) *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.

(40) *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.

(41) *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.

(42) *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.

(43) *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; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

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, reactiveness 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 (ground/roof 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 extilated 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.

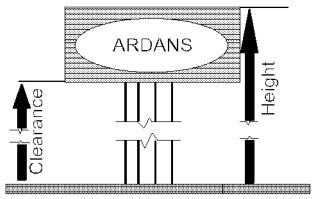
(46) *Sign, flag, noncommercial,* means flag signs which are made of cloth and express messages which are not primarily commercial. Such flags may include, but not be limited to, flags of governmental entities, flags identifying the person, institution, organization or corporation occupying a property, 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.

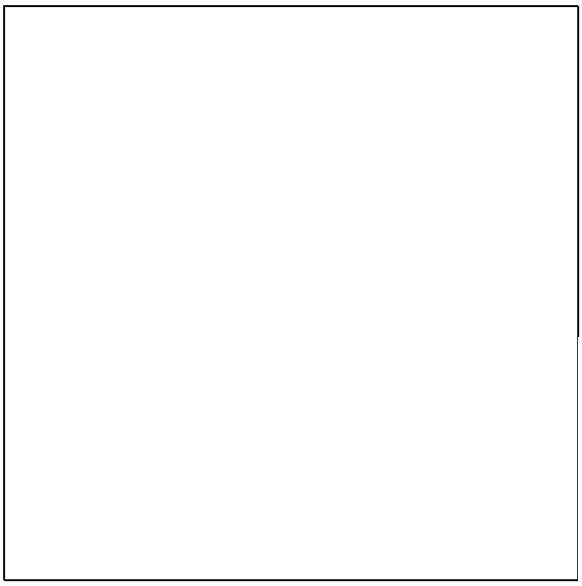
(50) *Sign, floodlighted,* means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

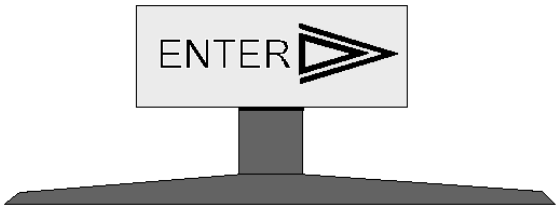


(51) *Sign, freestanding (*or*pylon sign),* means a sign that is mounted on a support structure so that the bottom edge of the sign is six feet or more above grade.

(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.

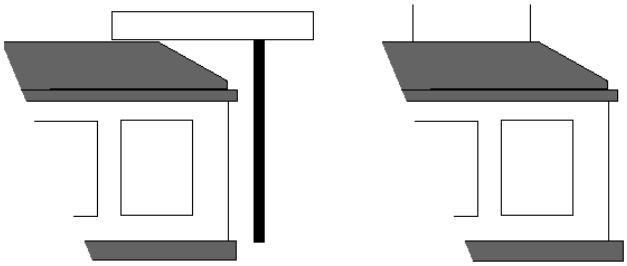
(70) *Sign, property,* means a temporary sign related to the property on which is located advertising contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

(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 or 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, included 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) *Watercourse or waterway* means aqueducts, pipes, natural or artificial streams or channels through which water can flow at any time.

(4) *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.

(5) *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.

(6) *Wellfield (Chapter 21-17)* means an area of land which contains one or more drinking water supply wells.

(7) *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.

(8) *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.

(9) *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.

(10) *Wireless telecommunications facilities.* The following definitions are specific to wireless telecommunications facilities:

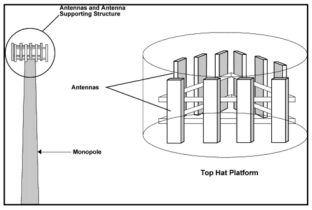
a. *Antenna* means any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials, and shapes including, but not limited to, solid or wire-mesh dish, horn,

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.

(11) 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 or 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.

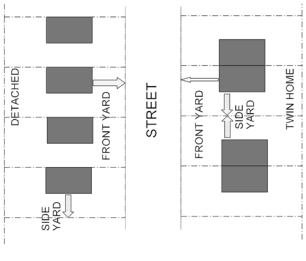
(5) *Youth Program.* See *Human services programs or facilities.*

(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)