

# Chapter 15A-39 – DIMPLE DELL OVERLAY ZONE

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## Chapter 15A-39 – DIMPLE DELL OVERLAY ZONE

### 15A-39-01 Purpose

The objective of the Dimple Dell Overlay Zone (DDOZ) is to preserve the natural and in some instances of developed open space improvements located in the Dimple Dell Regional Park (the Park). This objective is met by establishing inter-local agreements between Sandy City and Salt Lake County which will approve and incorporate these standards and guidelines as a specific zone for use in future development of property located directly adjoining to the Park.

The DDOZ standards and guidelines provide a mechanism to the adjoining property owners with a number of options whereby they can preserve and enhance the Park and the Community.

The DDOZ has been established in recognition of the unique nature of this 644 acre Park, which is the largest locally controlled park in Utah. The Park provides a recreational and aesthetically pleasing experience for all residents in Sandy and all those who visit.

### 15A-39-02 Boundaries

The Dimple Dell Overlay Zone shall be confined to the properties outlined in the attached map or exhibit (we need to create this map) and only to properties zoned R-1-15, R-1-20, R-1-30, or R-1-40 including any of the listed zones with an “A” designation.

### 15A-39-03 Definitions

For the purpose of this Section, the following terms shall have the meanings described below:

(a) Cluster Subdivision. A Cluster Subdivision is the partitioning of land to provide lots with some or all of the lots reduced below the minimum lot size required by the underlying zoning district in which the subdivision is located and providing for the remaining portion of the subdivision to be used as open space. Cluster Subdivisions shall be at least 5 buildable acres and be comprised of detached single-family dwellings.

(b) Open Space. Open space shall mean land located within the area of the Cluster Subdivision which is not individually owned by residents of the subdivision and which is provided in perpetuity for the protection, preservation, or conservation of environmentally sensitive areas or for the use and enjoyment of owners within the subdivision or residents of the City as a whole, and provided as required in this Section.

(c) Sensitive Area. See regulations found within the Sandy City Land Development Code.

(d) Traditional Subdivision. The partitioning of land to provide lots that meet or exceed all requirements of the underlying zone, unless other exceptions are required as found within this Chapter.

## 15A-39-04 Procedures

- A. **Development Committee Review.** All submissions shall be made well in advance of planned construction for proper coordination and feedback and shall be reviewed by the City Development Committee before submittal to the Planning Commission.
- B. **Additional Submittals.** In addition to the application requirements outlined in the subdivision procedure, all applications within the DDOZ shall include the following:

1. **Sensitive Area Designation Plan.** This plan will identify all sensitive areas, which are outlined within this Title, pertaining to the subject property. Any new development that has sensitive area within its boundaries, shall comply with all regulations found within the Sensitive Area Overlay Zone except for a more restrictive setback from a 30% or greater slope as outlined herein. This map shall also identify the Wildland – Urban Interface.

2. **Adjoining Properties.** This plan shall identify all uses, zoning and density of development and property adjoining the subject property.

The Planning Commission shall consider potential changes to traffic, parking, pedestrian activity, impacts on Dimple Dell Park, and compatibility with adjacent properties and use.

## 15A-39-05 Uses Allowed

- A. **Ancillary Uses.** All permitted and conditional land uses within the DDOZ zone may conduct ancillary uses, as specifically defined within the Definitions section of the Development Code provided such use is not regulated by other sections or is listed as a non-permitted use in the underlying zone district. For "A" designated properties, the regulations shall remain.
- B. **Permitted and Conditional Uses.** The DDOZ is an overlay district, and as such, permitted and conditional uses are governed by the requirements and standards of the specific underlying residential zone. Except as otherwise stipulated in the DDOZ zone, development proposals shall comply with the requirements of the underlying zone.

## 15A-39-06 Minimum Open Space

Any new cluster subdivision shall provide a minimum of 30% of the total buildable acreage of the property within the subdivision as dedicated open space in accordance with the open space standards, maintenance and dedication requirements set forth herein. Open space does not include areas within any lot, road, street or right-of-way. Dedicated open space is not a requirement for a traditional subdivision.

## 15A-39-07 Density

The density for a cluster subdivision shall be determined by dividing the total buildable acreage of the subdivision site by the minimum lot size requirement of the underlying zoning district in which the subdivision is located.

Density for traditional subdivisions shall be governed by the minimum lot sizes required by the respective zoning district in which the subdivision is located.

**15A-39-08 Lot Standards**

- A. **Lot Area.** In order to provide for clustering of homes to allow for dedicated open space, the lots within a cluster subdivision may be smaller than the minimum size required in the underlying zone, as approved by the Planning Commission. However, no lot shall be smaller than 50% of the underlying zone with an overall average lot size in the subdivision of 75% of the underlying zone.
- B. For a cluster subdivision the minimum lot frontage may be reduced from the required lot frontage requirements of the underlying zone as approved by the Planning Commission.
- C. All lot standards for area and frontage shall remain in effect for new traditional subdivisions.

**15A-39-09 Setback Regulations**

The builder or developer of a traditional or cluster subdivision is encouraged to consider principal building position and orientation, but shall observe the following minimum standards for buildings within a traditional or cluster subdivision. No exceptions to minimum setback will be allowed

- (a) **Front Setback.** See table below.
- (b) **Rear Setback.** See table below.
- (c) **Side Setback.** See table below.
- (d) **Corner Side Setback.** See table below.
- (e) **Sensitive Area Setback.** See table below.
- (d) **Accessory Structures.** All accessory structures shall comply with the size, height, and location restrictions with the residential district most closely associated with the respective lot size.

SETBACKS FOR NEW SUBDIVISIONS	
TRADITIONAL LAYOUT	CLUSTER LAYOUT
FRONT SETBACK	FRONT SETBACK
FRONTING DIMPLE DELL ROAD – 30’	FRONTING DIMPLE DELL ROAD – 30’
ALL OTHER FRONT SETBACKS – 30’	ALL OTHER FRONT SETBACKS – 20’
SIDE SETBACK	SIDE SETBACK
R-1-15 – MINIMUM OF 10’ TOTAL OF 22’	R-1-15 – MINIMUM OF 10’ TOTAL OF 22’
R-1-20 - MINIMUM OF 10’ TOTAL OF 24’	R-1-20 - MINIMUM OF 10’ TOTAL OF 24’
R-1-30 - MINIMUM OF 12’ TOTAL OF 27’	R-1-30 - MINIMUM OF 12’ TOTAL OF 27’
R-1-40 - MINIMUM OF 15’ TOTAL OF	R-1-40 - MINIMUM OF 15’ TOTAL OF



30'	30'
REAR SETBACK	REAR SETBACK
ALL REAR SETBACKS – 30'	ALL REAR SETBACKS – 30'
<p><b>Sensitive Area Setback.</b> No dwellings or accessory structures shall be constructed within an average of 30 feet (no point being closer than 10 feet) of a continuous hillside slope (upslope or downslope) of 30% or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.</p>	

**15A-39-10 Open Space Regulations**

A. **Permitted Uses.** The following uses are permitted in open space areas if approved as part of a cluster subdivision.

1. Conservation of open land in its natural state;
2. Agricultural and horticultural uses;
3. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses;
4. Active non-commercial recreational areas such as playgrounds and trails;
5. Stormwater detention areas designed, landscaped, and available for use as an integral part of open space land;
6. Underground utility easements, facilities, and rights-of-way for drainage, access, sewer or waterlines, or other public purposes;
7. Above-ground utility and street rights-of-way may traverse open space land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required open space land for the subdivision;
8. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the open space land.

B. **Prohibited Uses.** The following uses shall be considered prohibited in open space areas:

1. Any residential, commercial or industrial activity;
2. Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as approved by the Planning Commission in conjunction with a permitted use;



3. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;
4. Any dumping or storing of trash, garbage or junk;
5. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
6. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property or to conduct permitted uses on the property such as agricultural uses;
7. Advertising of any kind or nature and any billboards or signs; provided directory and information signs may be displayed describing the easement and prohibited or authorized use of the same or trail information;
8. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plan species, restoration of native species, maintenance of landscaped area, and similar protective measures or those activities relating to permitted agricultural uses;
9. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
10. The division, subdivision or de facto subdivision of the property;
11. Changing the topography of the property by placing it on any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
12. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.

#### **15A-39-11 Open Space Design Standards**

Designated open space land within a cluster subdivision shall meet the following standards:

**A. Significant Areas and Features.** Open space land can include the property contiguous to Dimple Dell Park and/or land that is the most unique and sensitive resources and locally significant features of the property within the subdivision such as meadows, grasslands, tree stands, stream corridors, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, green space, scenic views, etc.

**B. Contiguous Land.** Open space lands within a development shall be contiguous to provide for large and integrated open space areas within the subdivision. Non-contiguous parcels of open space land may be approved by the Planning Commission during the plat approval process upon finding that such exception is necessary and/or desirable based upon consideration of the size of the project, size of the open space parcels, the types of features and resources included within the open space lands, and other

relevant considerations. Long, thin strips of open space (less than 100 feet wide) are prohibited, unless approved by the Planning Commission during the plat approval process upon finding that such configuration of the open space is necessary and/or desirable to connect other significant areas, to protect linear resources such as trails, or to provide a buffer.

C. **Open Space Network Connection.** Open space within a subdivision shall be designed and laid out as part of a larger continuous and integrated open space system to ensure that an interconnected network of open space will be provided near Dimple Dell Park.

D. **Visibility.** Open space land shall be located and designed within the subdivision to add to the visual amenity of Dimple Dell Park and to the surrounding area by maximizing the visibility of internal open space.

E. **Pedestrian Access.** Developer shall provide adequate pedestrian access to open space land which is open to the public or resident use.

F. **Maintenance Access.** Developer shall provide sufficient maintenance access to all open space land within the subdivision.

G. **Landscaping.** All open space land that is not wooded or maintained as open space meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements detailed in this Title.

#### 15A-39-12 Ownership of Open Space

Unless otherwise approved by the City and subject to the provisions set forth in this Section, the underlying fee ownership of the open space land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowner's association, land trust, or private individual

#### 15A-39-13 Maintenance of Open Space

A. **Costs.** Unless otherwise agreed to by the City, the cost and responsibility of maintaining open space land shall be borne by the owner of the underlying fee of the open space land.

B. **Plan.** The developer shall submit a maintenance plan providing for and addressing the means for permanent maintenance of the open space land within the proposed -cluster subdivision with the preliminary plat application for the subdivision. This plan shall provide the following:

1. The plan shall define ownership.
2. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space.
3. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means

for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

4. At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities.

C. **Approval.** The maintenance plan must be approved by the Planning Commission prior to or concurrent with final plat approval for the subdivision. The maintenance plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the maintenance plan shall be approved by the Planning Commission.

D. **Failure to Maintain.** In the event that the organization established to maintain the open space land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

E. **Corrective Action.** The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's Office. The maintenance plan and all other documents creating or establishing any associations or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.