

## **CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE**

### **Sec. 21-15-1. Purpose.**

- (a) This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds.
- (b) The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:
  - (1) The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
  - (2) The minimization of the threat and consequential damages of fire by establishing fire protection measures.
  - (3) The preservation of natural features, wildlife habitat, and open space.
  - (4) The preservation of public access to mountain areas and natural drainage channels.
  - (5) The retention of natural features such as drainage channels, streams, hillside areas, ridge lines, rock outcroppings, vistas, trees, and other natural plant formations.
  - (6) The preservation and enhancement of visual and environmental quality by use of natural vegetation, and the minimization of grading in hillside areas.
  - (7) The assurance of an adequate transportation system for the sensitive area, to include consideration of the City's approved Transportation Plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.
  - (8) The establishment of on-site and off-site traffic facilities that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at any time.
  - (9) The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.
  - (10) The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
  - (11) The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.
  - (12) The encouragement of the use of creative design teams composed of professional landscape architects, engineers, and others.
  - (13) The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

(LDC 2008, § 15A-15-01)

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

- (a) *Application of the Sensitive Area Overlay Zone.* The Sensitive Area Overlay Zone includes areas of 30 percent or greater slope; floodplain, streams, lakes, ponds and wet land areas; and areas with a high potential of damage from natural hazards, such as surface rupture during an earthquake, rock fall or debris flow, and other similar environmental conditions. Such areas are designated on the map entitled the "Sandy City Sensitive Area Overlay Zone Map." A copy of the map, drawn to scale of one inch equals 1,000 feet, is

available for review in the Community Development Department. Regulations of this chapter may apply to an area outside of the mapped Sensitive Area Overlay Zone if the Director determines that the environmental conditions of the subject area qualify it as a sensitive area, and the map shall thereafter be amended to include such area in the Sensitive Area Overlay Zone.

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

(LDC 2008, § 15A-15-02)

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

- (a) *Development Review.* To help expedite review of a development proposal, prior to submitting an application for development in a sensitive area, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.
- (1) If requested by staff, they shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
  - (2) At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, International Fire Code and any other applicable ordinances or codes of Sandy City, and provide information concerning the City's review requirements and procedures.
- (b) *Application.* Prior to any development activity taking place within a sensitive area, an application for development must be submitted to the Community Development Department and must contain the information and be in the format required by the applicable chapters of this title (subdivision, site plan review, planned unit development, etc.). All reports shall be prepared by a qualified person licensed in the State of Utah to practice their specialty. If a license is not required, the person shall have demonstrated expertise in the field of practice. In addition to the application requirements set forth in other chapters of this title, applications for development in sensitive areas shall include certain of the following as determined by the City Engineer:
- (1) General Development Application Form.
  - (2) A topographic contour map, tied to a land-based survey, with coloration, shading or hatching indicating areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 20 and 30 percent, and areas of 30 percent or greater, with contour lines spaced no less than two feet apart vertically.
  - (3) Location of the proposed project in relation to abutting public streets.
  - (4) The total acreage, number of lots, and proposed density for proposed residential developments.
  - (5) The total acreage, number of lots, and proposed density for proposed commercial developments.
  - (6) The location and approximate size, in square feet, of the proposed lots, including sensitive areas of 30 percent or greater slope, and the usable land for each lot.

- (7) Location of known hazards (e.g., faults, natural drainage channels, rockfall, debris flow, etc.) and the boundaries of the 100-year floodplain, as applicable.
- (8) Location of other environmentally sensitive areas, including wildlife corridors.
- (9) Proposed location of structures in relationship to all environmentally sensitive areas.
- (10) A General Geotechnical/Geological Report prepared by a qualified engineering geologist (with qualifying credentials and engineering stamp included in the 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, trench reports, aerial photographs, references with citations, and other supporting information as applicable to the report.
    6. Slope stability analysis, including the angle of repose.
    7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

- 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 be for the full upstream debris basin. 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.
  4. Consideration of various rainfall intensities, avalanche risk assessment, and de-vegetation by wildfire events with accompanying debris flow estimates due to de-vegetated conditions.
- e. Landslide Report, which shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). This shall include both static and dynamic conditions.
- f. 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. A comparative risk analysis with and without suggested mitigations to protect from rock fall hazards.
  4. Consideration of both possibility and probability of a rock fall event at set recurrence intervals, then assessing the risk of development at set long-term intervals. Intervals shall be at 1-year, 10-years, and 100-years. 5. Modeling results.
- g. 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.
  - (15) A comprehensive detailed site map of the proposed development showing site specific mapping performed as part of the geologic investigation, including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazards, delineation of any recommended setback distances from hazards, and recommended location for structures. Buildable and non-buildable areas shall be clearly identified.
- (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) An applicant may dispute the study area boundary of a study or report required by the city or the presence of mapped or unmapped hazards within a particular area by submitting a written request to the City Engineer accompanied by technical and geologic evidence in the form of a site-specific geologic hazards report. The City Engineer may retain other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the applicant. The City Engineer may allow deviations from previously mapped boundary lines or hazards only if the site-specific geologic hazards report clearly and conclusively establishes that the disputed boundary is incorrect or that the mapped hazards are not present within a particular area.
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- (5) 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.
  - (6) After all requested information has been received and reviewed by the Planning Commission, the Planning Commission will determine if preliminary review is complete and impose development requirements.
- (d) *Final Approval.*
- (1) After the Planning Commission determines that preliminary review is complete and imposes development requirements, the applicant shall submit to the Department a final development plan, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission.
  - (2) The Department, together with the other reviewing departments and agencies, shall review the final development plan to determine compliance with all requirements, corrections, additions, etc. When the final development plan has been determined to be complete and in compliance with all requirements, all fees paid and guarantees posted, the plan shall be approved and signed by the appropriate City departments and officials.
- (e) *Appealing a Land Use Authority's Decision.* The applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision or determination made by the Land Use Authority in the administration or interpretation of this title.
- (f) *Panel of Experts for Appeals of Geologic Hazard or Sensitive Areas.* An applicant who has appealed a decision of the land use authority administering or interpreting the Sensitive Area Overlay Zone may request the City to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. If the applicant makes a request for a panel of qualified experts, the City shall assemble the panel, which shall consist of, unless otherwise agreed by the applicant and the City:
- (1) One expert designated by the City;
  - (2) One expert designated by the applicant; and
  - (3) One expert chosen jointly by the City designated expert and the applicant's designated expert.

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

(LDC 2008, § 15A-15-03)

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

- (a) *Standards for Sensitive Areas Containing 30 percent or Greater Slopes.*
  - (1) *Usable Land.*

- a. Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size and have a minimum dimension, both length and width, of 50 feet.
  - b. All other structures, including clustered single-family, multifamily, commercial, industrial, institutional, and accessory structures, shall be located upon usable land as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
- (2) *Setback requirements.*
- a. No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.
  - b. All other structures which require a building permit, including commercial, industrial, institutional, and structures accessory thereto, shall be set back as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
  - c. Structures requiring a building permit shall be set back no further than 150 feet from a public or private street unless otherwise approved by the Fire Marshal.
- (3) *Trails.* A trail may be constructed to access upper/lower portions of residential/commercial property subject to the following conditions:
- a. No cut or fill of the hillside may be in excess of two feet. All cuts or fills shall be properly retained.
  - b. The trail should follow a meandering course and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.
  - c. The trail shall be screened with native landscape materials.
  - d. The Trail Plan shall be submitted to the Director and City Engineer for review and must be approved prior to any construction and/or hillside cuts.
- (4) *Fencing.* All fences located on slopes of 30 percent or greater shall be dark brown, dark green or black vinyl coated chainlink to blend in with the native landscaping. In no case shall the following types of fences be allowed: uncoated chainlink, masonry, block, wood, or other sight obscuring material. Fence construction shall comply with the Environmental Hazards Element as contained in the General Plan.
- (b) *Development Standards for All Sensitive Areas.*
- (1) *Maximum Impervious Material Coverage.* The maximum impervious material coverage that shall be allowed upon lots:
- a. Upon which structures are located, shall be 50 percent for those in residential zoning districts of R-1-15 or below and 40 percent for those in zoning districts of R-1-20 or above of the total lot area (excluding pad lots and clustered subdivisions), including dwelling units, accessory buildings, patios, decks, driveways, etc.; provided, however, that the maximum impervious material coverage may exceed the allowable percentage upon review and approval of a special exception by the Planning Commission. The Planning Commission shall use the following criteria when making a decision to increase lot coverage:
    - 1. The home is of comparable size to other homes in the general vicinity;
    - 2. The increase is needed to create a safe drive access for the home; and
    - 3. The increase is the minimum required to meet Subsections (b)(1)a.1 and 2 of this section.
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- 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 areas 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.
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- 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 five 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 containing 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. Streets, roadways, and private streets, lanes, and driveways through protected 30 percent or greater slopes are prohibited unless all of the following criteria are met and approved by the Planning Commission upon recommendation of the Director and City Engineer:
    1. No alternative location for access is feasible or available;
    2. No individual segment or increment of the street, roadway, private street, lane, or driveway is more than 150 feet in length that crosses any continuous 30 percent or greater slopes;
    3. All crossings of a continuous 30 percent or greater slope shall be designed and constructed to eliminate significant adverse environmental, or safety impacts as determined by AASHTO guidelines and geotechnical report recommendations;
    4. Under no circumstances shall any segment of a street, roadway, private street, lane, or driveway cross a continuous slope greater than 50%; and
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5. Streets, roadways, private streets, lanes, and driveways shall follow natural contour lines where possible. If the natural contour lines do not reasonably facilitate access to the development site, a private access road or driveway may be designed and submitted for approval.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. The maximum amount of impervious surface for streets and roadways shall not exceed 20 percent of the entire development site.
  - g. 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
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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.
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- (b) Natural Slopes that were *Previously Disturbed or Developed*. A property owner whose property contains or is adjacent to what was a natural continuous 30 percent or greater slope 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 a continuous 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.
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- (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)

**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, street right-of-way, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, trails, 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 must constitute at least one quarter of the required open space. It 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 may only be included as open space when they have been designed as an integral part of the project, as enumerated in subsection 21-20-7(2) above.

- 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.

- i. Clustering of Development. Any clustering of units must be done in a way to create usable open spaces or preserve sensitive land areas (such as wildlife corridors, steep slopes, fault zones, etc.).
- j. Compatible Land Use and Building Arrangement. Appropriate site design and layout must reflect the surrounding land uses and existing context of the area. Like uses, similar building placement, and limited building height shall be required adjacent to surrounding properties (e.g., single-family detached lots adjacent to similar scale attached single-family arrangements) to provide a transition to denser clustered housing arrangements. Alternatively, a large continuous open space area (minimum depth of twice the adjacent zone rear setback minimum) shall act as a buffer prior to transitioning to different land use densities.

(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. These 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.* Any individual phase of the planned unit development shall not exceed the overall density maximum of the given zone district unless a phasing plan is approved per subsection 21-20-13 below. The number in the given PUD Zone District, is the maximum number of units per acre of land area within the boundaries of the proposed development, which is calculated as follows:
    - (i) If the development contains no land area within the Sensitive Area Overlay, gross land area shall be used to calculate the number of units per acre.
    - (ii) If the development contains areas within the Sensitive Area Overlay, net buildable land area shall be used to calculate the number of units per acre. This is calculated by subtracting any acreage within non-buildable areas, as determined in the Sensitive Area Overlay Zone (e.g., natural hazards, flood plains, fault zones, continuous slopes of 30% or greater, etc.), shall be subtracted from the gross land area.
  - 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. *Building Height.* No structure shall exceed a maximum of 35' to the peak of roof from average finished grade.
  - 6. *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.

7. *Driveways and Alleys.* A private driveway or alley must comply with all established standards in this Code.
  8. *Privacy.* Each planned unit development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of the property, the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
  9. *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.
  10. *Security.* The development shall be designed to support security services, taking into account public safety recommendations from the Police Department.
  11. *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
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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.*
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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 member 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.
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- (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, may 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)