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Staff Report Memorandum June 4, 2026

To: City Council via Planning Commission

From: Community Development Department

Subject: Amendments to Title 21 of the Land Development Code related to Building Height CA02132026-0007114

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

The applicant Jeff Knighton, representing Dave Hunt (property owner), has applied to amend Title 21, *Land Development Code*, Chapter 20, *Residential Development Standards*, by revising the residential building height standards. The proposal would allow building heights in residential zones where the predominant slope on the lot is 30 percent or greater to be measured from the natural grade rather than the finished grade. The applicant's proposal is included with this report as Exhibit "A."

Background

On July 7, 2022, the property owner Dave Hunt submitted for a new home to be built at 3351 E. 9980 S. The plans indicated a home that was too tall and would not comply with the maximum 35-foot height limit. There were also issues relating to meeting setbacks on the site plan and design issues with the grading plan that was also required for properties within the Sensitive Area Overlay Zone. There were several review cycles and design iterations before the city was finally able to approve plans for the home that met all the city code requirements.

A revised plan was approved on October 24, 2023, and permit was issued on March 3, 2024, with a condition that "*a full survey of grading and structure before occupancy can be obtained. Survey must meet requirements of the approved grading plan and house plan.*" That plan reflected reduced floor to ceiling heights across all levels in order to have a fourth-floor roof top space fit under the maximum building height. During construction, the home was not built according to the approved plans as was verified upon receiving a survey from the applicant.

The property owner petitioned the city to allow for temporary occupancy of the home. On February 6, 2026, the city and property owner entered into an agreement to allow for temporary occupancy subject to conditions. The agreement allowed the owner to pursue options to bring the home into compliance; either through a proposed amendment to city code, or through modifications made to the home. The agreement requires the owner to commence renovation before July 1, 2026 (which would require an approved building permit for the proposed renovations) and complete the improvements required to meet city code by December 31, 2026. To date, the city has not received a building permit application nor seen plans on how the home could be renovated to meet the city's building height requirement; however, the property owner's representative has applied to amend the city code to adjust the method by which building height is measured (Exhibit "A").

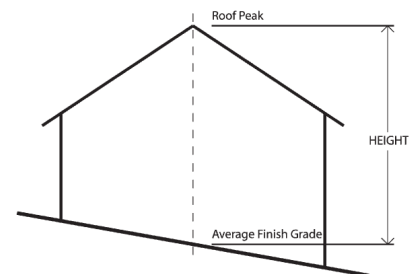
Case History	
Case Number	Case Summary
S#03-04	Larson Webster Subdivision No. 1 (2005)
SUB-05-19-005649	Larson Webster Subdivision No. 2: Amendment to Lot #2 of the Larson Webster Subdivision No. 1 (2019)
RES07072022-028538	Building permit for a new residential single-family home (case on hold)
COD02092026-008329	Code violation for building non-compliance (open case)

Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-20-205.

Analysis

The city code states that all primary dwellings in residential zones are limited to a maximum building height of 35 feet ([Sec. 21-20-2\(a\)](#)). The method of measuring building height is based on the code definition for building height, which is “the vertical distance from the average finished grade surface of the building to the highest point of the coping of a flat roof, to the top of a mansard roof, or the top of the ridge for a gable, hip, or gambrel roofs” ([Sec. 21-37-3\(20\)](#)). This method of regulating and measuring building height for residential dwellings has been consistently applied for decades in Sandy.



The applicant proposes to amend the city code by offering an alternative method of measuring residential building height where the “predominant slope within the building envelope is 30% or greater.” The proposal would allow an applicant to voluntarily apply an alternative building height measurement by restricting habitable portions of the structure to a maximum of 35 feet when measured vertically from the existing (natural) grade to the peak of the roof. Specifics of the applicant’s proposal is included as Exhibit “A” of this report.

As proposed, staff does not support the amendment to the city code for the following reasons:

1. **Taller Homes:** The proposed method of measuring building height would enable taller homes to be constructed in steep slope areas and staff does not support increasing the height limit to allow taller homes in residential neighborhoods. The applicant’s proposal is an administrative solution to a new home that was constructed contrary to the approved plans and taller than the maximum 35-foot height limit. Therefore, the proposal would enable taller homes to be constructed where they are currently not allowed to be constructed as tall.
2. **Inequity:** As proposed, the applicant would be able to have a taller building, while existing homeowners have not been allowed to use the same methodology for measuring building height. Consequently, existing homeowners were disadvantaged at the time they had their home built because they did not have the proposed new code available to use.
3. **Inconsistent Enforcement:** There have been previous instances when a new home was being constructed taller than the code allows. In these cases, the owner was required to correct the situation by physically changing the structure to meet the building height limit. Alternatively, the proposed code amendment would not just allow taller homes, but it would reward a mistake when others were required to physically alter the structure to correct the code enforcement violation.
4. **Revisions Required:** The proposed language of the text would need significant changes for it to be implementable and consistent with related sections of the code. For example, current code measures to the top plate of the building rather than “habitable space” and the city is unable to enforce things that cannot be seen and verified.

Non-Conforming Uses

The proposed code amendment would not create any non-conforming situations.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*
- d. To enhance the economic well-being of Sandy City and its inhabitants.*

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.*
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

Staff find the proposed code amendment is inconsistent with the purpose of the Land Development Code because the proposal does not promote public health, safety, and welfare, nor facilitate the orderly growth and development of Sandy City for the reasons cited in the analysis (above).

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. As proposed, the code amendment is not consistent with the General Plan because it does not encourage appropriate development standards in residential zones for the reasons cited in the analysis (above).

Recommendation

Staff recommends that the Planning Commission forward a negative recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, relating to building height, as shown in Exhibit "A", based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal does not comply with the purpose of the Land Development Code under Section 21-1-03 because it does not promote public health, safety, and welfare, nor facilitate the orderly growth and development of Sandy City.
4. The proposal does not comply with the Sandy City General Plan because it does not encourage appropriate development standards in residential zones for the reasons cited in the report analysis.

Planner:



Melissa Anderson
Zoning Administrator

Exhibits:

- A. Applicant's proposed code amendments

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