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## Sec. 21-3-3. Land Use Authorities.

(a) *Planning Commission.*

- (1) *Purpose.* The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in this title. This does not include policy making powers of the City that remain under the control of elected officials.
- (2) *Creation and Membership.*
  - a. *Membership and Alternates.* There is hereby created a Planning Commission for Sandy City, Utah, to be known as the Sandy City Planning Commission. Said Commission shall consist of seven members and two alternates to be appointed by the Mayor, with the advice and consent of the City Council. The alternates shall attend all meetings, but shall not vote on Commission decisions unless serving in the place of a regular member. When an alternate is needed to fill the place of a regular member, the two alternate members shall rotate the responsibility. Funding for the Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.
  - b. *Terms for Members.* The terms of office for the members of the Planning Commission shall be four years, commencing at 12:00 noon on March 31 of the year in which the appointment is made. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity. Vacancies for the term of any member whose term is not complete shall be filled for the unexpired portion of the term in the manner provided for in this section. A member whose term has expired shall continue to serve until his successor has been appointed and approved. Members of the Planning Commission may be removed as established by the City's Administrative and Legislative Codes.
  - c. *Selection of Members.* Members of the Planning Commission shall be selected from residents of the City with experience in related fields, including planning, architecture, real estate, law, engineering, land development, contracting, or substantial community involvement. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
- (3) *Procedures.* The Planning Commission shall select a chairperson every six months from its membership and may adopt bylaws, policies, and procedures for the conduct of its meetings for the processing of applications, and any other purposes considered necessary for the functioning of the Commission. Four members of the Commission shall constitute a quorum for the conduct of Commission business, and no act of the Commission shall be effective unless at least four members concur in respect to it.
- (4) *Powers and Duties.*
  - a. *Recommendations to the City Council.* The Planning Commission shall prepare and make a recommendation to the City Council for:
    1. A General Plan and amendments to the General Plan.
    2. Land use regulations.
    3. Subdivision regulations and amendments.
    4. An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application.

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5. An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority.
  6. Application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and processes that protect the right of each applicant and third party to require formal consideration of any application by a land use authority; the right of each applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and the right of each participant to be heard in each public hearing on a contested application.
  7. Annexation and zoning of property into the City.
  8. Vacation of an entire subdivision plat.
  9. Vacating, closing, or altering any portion of a street or alley.
  10. Other matters as established by the City Council.
- b. *Recommendation to Mayor.* The Planning Commission shall consider and provide a recommendation to the Mayor for:
1. Subdivision plats.
  2. Other matters as established by the City Council.
- c. *Reviews and Decisions.* The Planning Commission shall review and decide the following:
1. Conditional use permits.
  2. Expansion or alteration of a nonconforming structure or use after determination by the Director.
  3. Site plans delegated to it in this title or by the Director.
  4. Special exceptions delegated to it in this title or by the Director.
  5. Reasonable accommodation.
  6. Other matters as established by the City Council.
- d. *Special Exceptions.* The Planning Commission may review and decide special exceptions to the terms of this title, provided that such special exceptions on which the Planning Commission shall be authorized to pass shall be limited to the following:
1. Permit the building on a nonconforming lot, where it can be shown by the applicant that:
    - (i) The lot is legally nonconforming.
    - (ii) The construction of a building upon the nonconforming lot will be in harmony with one or more of the purposes of this title as stated in Section 21-1-3 and shall be in keeping with the intent of this title.
    - (iii) The proposed building will not impose undue burden upon the lands located in the vicinity of the nonconforming lot.
  2. Where a parcel of land was at least 1½ times as wide and 1½ times as large in area as required for a lot in the district at the time the ordinance from which this title is derived was adopted, permit the division of the parcel into two lots. The person requesting the special exception must show that the land in question qualifies for this exception.

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3. Where a zone boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this title is derived, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
  4. Permit the installation of an electrical transmission line above ground, provided the Planning Commission finds that exposure to electrical magnetic fields and other risks and adverse impact to land value and aesthetics will be reasonably mitigated by prudent avoidances measures.
    - (i) The term "prudent avoidance" shall refer to those practices and standards which serve to minimize degradation of community aesthetics and real property values, and avoid exposure to electrical and magnetic fields and other public risks. Such practices and standards include, but are not limited to, purchasing additional rights-of-way, altering line configuration, selection of alternative routes, utilizing or enlarging capacity in existing substations or transmission facilities, undergrounding, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures such as residences, hospitals, churches, libraries, parks, child care centers, and schools.
    - (ii) The person or entity proposing to install transmission lines shall bear the burden of showing reasonable mitigation by prudent avoidance.
  5. (i) Permit a structure which is attached to the dwelling structure ("attached structure") to extend into the required side yard setback, provided the owner/applicant complies with the following:
    - A. Establishes that the attached structure existed at the time of the adoption of the ordinance from which this section is derived (May 21, 1996);
    - B. The attached structure complies with all other requirements of this title, the International Building Code (IBC), the International Fire Code (IFC), and other applicable City, state or federal laws;
    - C. The attached structure conforms and is aesthetically compatible with the design, color and materials of the dwelling structure to which it is attached;
    - D. The current owner/applicant purchases a building permit which will provide that all appropriate inspections will be made; and
    - E. The current owner/applicant complies with all requirements, established pursuant to the inspections or by law, necessary to comply with the IBC, IFC and other City, State or Federal laws.
  - (ii) Extension of an attached structure into the side yard setback will be allowed on one side of the dwelling only. In order to obtain approval for an attached structure to extend into one side yard setback, all structures encroaching into the other side setback must be removed and the setback maintained free of obstructions (exclusive of fencing) for fire access into the rear of the dwelling.
  - (iii) After issuance of a permit for an attached structure hereunder, the dwelling structure may not be altered, enlarged, added to or moved unless and until the attached structure is removed and all structures on the property thereafter comply with the side yard setback regulations.

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- (iv) After issuance of a permit hereunder, the attached structure shall not be altered, enlarged, added to, moved or its use changed. If such enlargement, alteration, addition, movement or change of use occurs, the attached structure must be restored to the configuration and use upon which the permit was issued or it must be removed entirely.
  - (v) A photograph of the dwelling structure and its attached structure shall be submitted with the application for a special exception.
  - (vi) After approval of a special exception and issuance of a building permit and after inspections are made and all requirements complied with, the City will issue a Notice of Compliance which will set forth the conditions under which the approval and permit were issued. The Notice of Compliance must be filed with the County Recorder and proof of that filing must be submitted to the Department.
6. Before taking action on any special exception request, the Planning Commission shall review it at a public meeting. In the event that the Planning Commission decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.
- e. *Other Powers.* The Planning Commission may exercise any other powers:
- 1. Necessary to enable it to perform the functions delegated to it in this Code; or
  - 2. As established by the City Council.
- (b) *Administrative Officer.* The Director is hereby designated to review and decide the following:
- (1) Special exceptions as specifically set forth in this title, including those in the land use matrices.
  - (2) Applications for site plan review and approval as delegated in this title.
  - (3) Determination of the nonconforming status of a building, structure, or use.
  - (4) Approval of a building permit for a nonconforming structure addition or alteration as allowed within this title.
  - (5) Routine and uncontested matters as delegated in this title.
  - (6) Property line adjustments.
  - (7) Other matters as established by the City Council.

(LDC 2008, § 15A-03-03; Ord. No. 09-02, 1-26-2009; Ord. No. 10-41, 12-14-2010; Ord. No. 13-15, 6-11-2013; Ord. No. 17-10, exh. A(15A-03-03), 3-9-2017)

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