# Chapter 15A-11 - SPECIAL USE STANDARDS


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# Chapter 15A-11 - SPECIAL USE STANDARDS

## 15A-11-01 Accessory Apartments, Extended Living Areas, and Guesthouses

A. **Purpose**. This section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single family dwellings in residential zone districts. These accessory living areas enable housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available which are appropriate for households at a variety of stages in the life cycle.

B. **General Requirements.** The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse.

1. **Residence Required.** The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.

2. **Number Permitted Within Each Single Family Dwelling**. Only one accessory apartment/extended living area shall be created within a single family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.

3. **Home to Retain Single Family Dwelling Appearance**. The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence, including retention and enhancement of landscaping. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).

4. **Utility Meters and Addressing**. It shall be prohibited to install separate utility meters and separate addresses.

5. **Building Code Compliance Required**. The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.

6. **Parking**. At least one off-street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles by occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.

7. **Mobile Homes.** It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.

8. **Transferability**. Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire, that is, the approval is not transferable.

C. **Additional Requirements for Approval of an Accessory Apartment**. Accessory apartments are allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.

The following standards must be met in order to grant a Conditional Use:

1. **Entrances**. All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.

2. **Maximum Size Permitted**. In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms, unless, in the opinion of the Planning Commission a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.

3. **Occupancy Restrictions**. The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sub-lease any portion of the accessory apartment to other individuals.

4. **Recordation**. Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the Building Department.

5. **Duration of Approval.**

   a. **Approval Non-Transferable**. Upon sale of the home or change of primary occupant, the Conditional Use shall expire and is not transferable.

   b. **Length of Approval - Renewal Options**. The effective period of the Conditional Use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use.

6. **Other Requirements**. Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single family character of the neighborhood shall be established by the Planning Commission.

D. **Additional Requirements for Approval of an Extended Living Area.** Approval for an extended living area may be granted by the Director. The granting of approval for an extended living area shall not exempt the applicant from meeting other applicable ordinances, covenants, codes or laws recognized by

Sandy City. The following standards must be met:

1. **Occupancy Restrictions**. Extended living areas shall be used for extended family members only or for employed household maintenance personnel on a non-rental basis. A letter of application sworn before a notary public by the owner(s) stating that the individuals residing in the extended living area are related by blood/ marriage, adoption, or are employed household maintenance personnel must be provided to the City.

2. **Recordation**. Approval for an extended living area must be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.

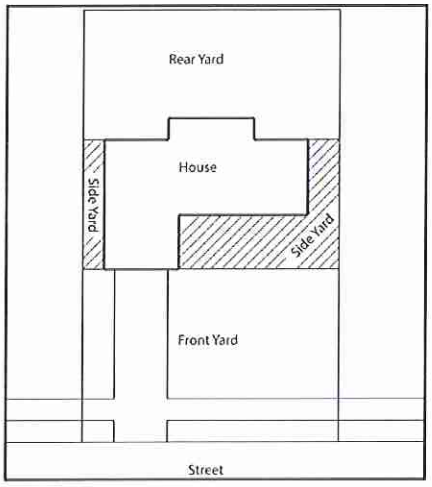
E. **Additional Requirements for Approval of a Guesthouse.** A guesthouse may be allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by Sandy City.

The following standards must be met in order to grant a Conditional Use:

1. **Occupants**. A guesthouse shall be used only by the occupants of the principal dwelling or their nonpaying guests.

2. **Lot Size**. A guesthouse will only be considered for a Conditional Use on a lot containing at least 20,000 square feet which has an existing owner occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot 20,000 square feet or larger.

3. **Location**. Guesthouse setbacks shall be no less than ten (10') from the side and rear property lines and six (6') from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be ten (10') from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.



4. **Maximum Size Permitted**. In no case shall a guesthouse comprise more than 400 square feet and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.

5. **Height**. A guesthouse shall be limited to a single story.

6. **Kitchen Facilities**. There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), counter length not exceeding six (6') feet, and a wet bar sink (12 inches wide or less), are permitted.

7. **Site Plan**. A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of a Conditional Use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.

8. **Conversion**. Existing accessory structures (shed, garage, workshop, etc) may be converted to a guest house provided that the proposed guesthouse complies with all development code standards and the adopted building code. The number of required off-street parking stalls shall not be eliminated with the conversion of an accessory garage.

9. **Basements**. No basements will be allowed within a guesthouse.

10. **Recordation**. Approval for a guesthouse shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. Proof of recordation shall be submitted to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the Building Department.

11. **Inspections**. Yearly inspections may be required to determine compliance if determined appropriate by the Director or Chief Building Official.

## 15A-11-02 Accessory Structures

A. **Residential Standards**

1. Setbacks and Location Restrictions.

   a. General. Eave projections shall not encroach more than 4 inches into the setback area. Accessory buildings shall be constructed in such a manner that the water runoff does not infringe onto adjoining property, the setback areas are kept free of weeds, trash and debris. Accessory buildings located 3 feet or less from the property line shall have concrete, asphalt, or other approved surface between the property line and accessory building. Accessory buildings shall comply with the minimum setback distances listed below: (Ord 09-28, Amended 10-19-2009)

   b. "A" Designated Zones. Those properties within an "A" designated zone, with at least 40,000 square feet shall be allowed to build an accessory structure, for animals or personal storage, within the front and/or side yard areas provided the structure is beyond the required setbacks for main dwelling units. These accessory structures shall be limited to 20 feet in height, 2,000

square feet, and be at least 30' from neighboring dwelling units. The structure must be in scale and character with the main dwelling unit. Any exception from the height or setback requirements may be reviewed by the Planning Commission through the Conditional Use Permit process. (Ord 09-19, Amended 7-31-2010)

c. Table of Minimum Setbacks. (Ord 10-26, Amended 7-30-2010)

| | Setback |
|---|---|
| From side property line in rear yard | 2* |
| From rear property line | 2* |
| From front property line | 30 |
| From main dwelling [1] | 6 |
| From dwelling on adjacent property | 10 |
| Between dwelling and front property line adjacent to a street (corner lot) | see below |

* There shall be a minimum 3 foot wide unobstructed access to the rear yard for emergency purposes. Said access may be gated, and may be located on either side yard of the home. Accessory structures built closer than five feet to property line will be required to comply with the International Residential Code. (Ord 09-28, Amended 10-19-2009 - Ord 09-19, Amended 7-31-2010)

1) Accessory buildings less than 6 feet from the main dwelling must meet the setback of the main dwelling of the underlying zone. If the accessory building cannot meet the setback of the main dwelling, it shall be setback 6 feet from the main dwelling.

2) Additional setbacks may be required as per sub-sections Lots with Multiple Street Frontages and Maximum Height below. (Ord 09-28, Amended 10-19-2009)

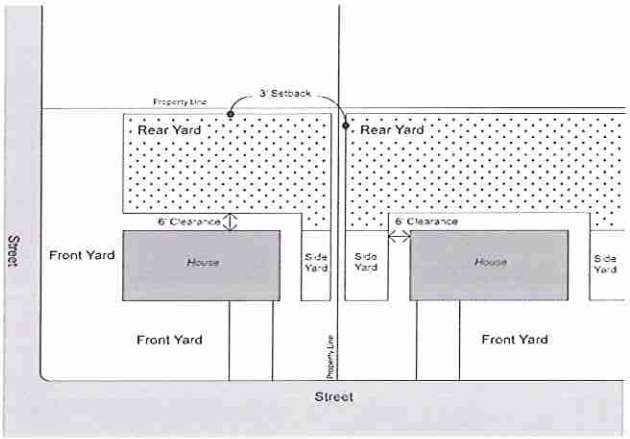



Figure 1 - A typical setback configuration for corner and interior lots

d. Corner Lots. An accessory structure may be located between the main dwelling unit and the front property line (See Figure 1), adjacent to a street, if the structure complies with the maximum height and size requirements listed below. These structures must be at least 6-feet from the main dwelling and 2-feet from the property line. No structures are allowed within the sight visibility triangle. These structures will not be allowed to have access to the public right-of-way closest to the structure, unless the Transportation Engineer reviews and approves the location based upon safety of pedestrians and vehicular access.

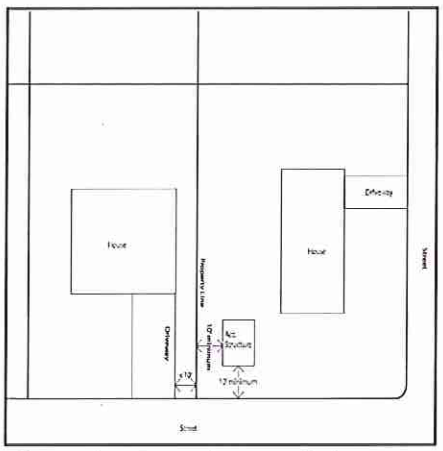


Figure 1a - Location restrictions on corner lots.

If the adjacent interior lot has a driveway within 10 feet of the rear property line of the corner lot, the structure must be setback at least 10 feet from both the front and rear property lines (See Figure 1a). (Ord 09-28, Amended 10-19-2009)

e. Lots with Multiple Street Frontages. Any accessory building on a lot with multiple street frontages is subject to additional setbacks from the property line abutting a street if the building is over 10 feet in height. Additional height is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 10 feet) to a maximum height allowed within the zone.

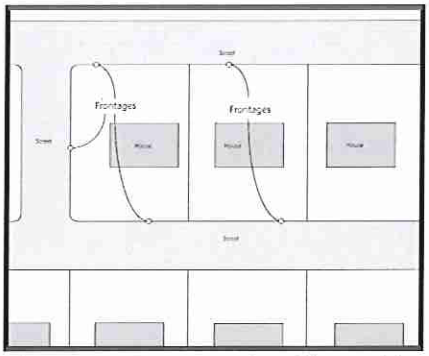


Figure 2 - An example of lots with multiple street frontages

A 6 foot opaque fence is required if an accessory building is constructed along a street frontage to provide screening. A shorter non-opaque fence may be used if the property is located in a zone with an "A" designation. The height restriction and fencing requirement shall apply up to the point that a rear setback of 15 feet has been reached. If the accessory building is under 10 feet in height (measured to the peak of the roof), no additional setback is required. (Ord 09-28, Amended 10-19-2009)

f. Easements. Accessory buildings shall not encroach upon any easement or right-of-way without proper written release or acknowledgment from all utility and drainage companies. Copy of such release/acknowledgment shall be presented at time of building permit application. Release of use of the easement does not remove any other requirements as stated in this Code.

g. Detached Garages. Detached garages or any detached structure 240 sq. ft. or larger shall be set within the rear yard of the home, and are not permitted in the side yard.

2. Maximum Square Footage.

a. Table of Maximum Accessory Structure Size

| | The Lesser Measurement of the Two Shall be the Maximum Permitted Size of the combined Square Footage of All Accessory Structures on the property. | |
|---|---|---|
| **Property Size** | **Maximum Size (percentage of rear yard)** | **Alternate Maximum size** |
| 14,999 sq. ft. or smaller | 25% | 750 square feet |
| 15,000 sq. ft. - 19,999 sq. ft. | 25% | 1,000 square feet |
| 20,000 sq. ft. - 39,999 sq. ft. | 25% | 1,500 square feet |
| 40,000 sq. ft. or larger | 25% | 2,000 square feet |

1) For those zones not listed (such as "SD" and "PUD" zones), the residential district most closely associated with that zone shall be used to determine the maximum size allowable. All zones with animal rights (with the "A" designation at the end of the zone classification) shall conform to its' similar non-animal right zone classification.

2) No single accessory building shall exceed 1,500 square feet. (Ord 09-28, Amended 10-19-2009)

b. Table of Maximum Accessory Structure Size for Corner Lots between the Main Dwelling Unit and the Front Property Line, Adjacent to a Street (See Figure 1).

| Property Size | Maximum Square Footage | Maximum Height |
|---|---|---|
| 7,999 sq. ft. or smaller | 100 | 10' |
| 8,000 sq. ft. - 9,999 sq. ft. | 150 | 10' |
| 10,000 sq ft. - 14,999 sq ft. | 200 | 10' |
| 15,000 sq. ft. or larger | 250 | 10' |

* Structures exceeding the above height and square footage limitations must be within the rear yard. (Ord 09-28, Amended 10-19-2009)

c. Number of Accessory Buildings. A maximum of 2 accessory buildings are permitted on a property. This restriction does not apply to zones with an "A" designation.

d. Conditional Use Permit. The total maximum square footage of all accessory buildings on the property may be increased up to twenty-five percent (25%) larger than the permitted size upon receipt of a Conditional Use Permit from the Sandy City Planning Commission. However, the Planning Commission may not approve any accessory structure over twenty-five percent (25%) of the rear yard. For properties with an "A" designation, the total maximum square footage of all accessory buildings on the property may be increased up to fifty percent (50%) larger than the permitted size through a Conditional Use Permit. The Planning Commission shall consider the scale of the building(s) in relation to the immediate surroundings, the nature of the zone and

land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the Conditional Use Permit process. The Planning Commission may require additional setback from side and rear property lines as a condition of approval. (Ord 09-28, Amended 10-19-2009)

3. Maximum Height.

   a. Table of Maximum Accessory Structure Height.

| | Side Yard | Rear Yard |
|---|---|---|
| **Zone Classification** | **Maximum Height to Peak** | **Maximum Height to Peak** |
| R-1-12 or smaller (i.e., R-1-9, -8, etc) | 10 | 15 |
| R-1-15 or larger (i.e. R-1-30, -40, etc) | 10 | 20 |

(Ord 09-28, Amended 10-19-2009)

   b. Additional Setback Requirement. Detached structures exceeding 15 ft in height, shall increase the minimum setback one foot for each one foot of additional height up to the minimum setback for the primary dwelling. However, if the accessory building abuts a property line that is adjacent to a commercially zoned property, then no additional setback is required. This requirement may also be waived by the Planning Commission through a Conditional Use Permit process.

   c. Conditional Use Permit. A building may be built taller, up to the maximum building height for a permitted dwelling within the zone in which it is located, upon receipt of a Conditional Use Permit from the Sandy City Planning Commission. The Planning Commission shall consider the scale of the building in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the Conditional Use Permit process. The Planning Commission may require additional setback from side and rear property lines as a condition of approval.

4. Other Requirements.

   a. Ancillary to Main Dwelling. Accessory buildings are only allowed on properties where a main dwelling or building exists except as provided in the Residential Standards - Zoning for Animals Section of this Code.

   b. Utility Connections. Separate meter connections for electricity, water, sewer, or gas utilities are not permitted for accessory buildings.

   c. Architectural Guidelines. Generally, accessory structures and buildings shall be designed and constructed as to be compatible with the architectural components of the main dwelling or

building. However, if the accessory structure is intended to be an outdoor animal domicile [See the Residential Standards - Zoning for Animals Section of this Code, other standards may apply, such as, location, visibility, scale, general aesthetics in the immediate vicinity, etc.

d. Building Standards. Accessory buildings must meet all construction standards and fire rating requirements of the International Residential Code (IRC).

e. Lots without Attached Garage. For those residences that were not originally constructed with an attached 2-car garage, a detached garage may be built in the rear yard up to 480 square feet in size regardless of the percentage of the lot covered. The garage must meet the minimum garage size standards as determined in this code. In no way does this section permit the intrusion into required building setbacks to property lines, easements or main structures.

f. When Detached Garages are Primary Garages. All detached garages that serve as the primary garage for a dwelling are subject to review by the Sandy City Transportation Engineer to determine if the location of the structure is safe and accessable. (Ord 09-28, Amended 10-19-2009)

g. Screening Required for Side Yards. Accessory buildings in the side yard shall be screened from view from access streets and adjacent properties by a 6 foot opaque type screening unless located in a zoning district with an "A" designation.

h. Other Structures. These provisions do not apply to childrens' play equipment, flag poles, light poles, stand alone arbors, or other similar structures.

i. Prohibited Structures. Shipping containers, semitrailers, boxcars, Portable On Demand Storage (PODS), temporary carports, canopies, tents, or similar structures may not be installed or maintained on a residential lot for longer than 30 days, or up to 6 months with a valid building permit for construction on the property. (Ord 09-28, Amended 10-19-2009)

B. **Non-Residential Standards.**

1. Accessory structures are only allowed if designated on a City approved site plan.

2. Accessory structure heights shall not exceed 15 feet at the peak of the roof and must have a minimum 3/12 pitch.

3. Setbacks shall follow the development standards specified in this title for the main structure unless otherwise stipulated.

## 15A-11-03 Animals (Farm and Household Pets)

A. **Farm Animals.**

1. **Designation of Appropriate Zone Districts**. Property owners in any R-1-40, R-1-30, R-1-20, or R-1-15 residential district may submit an application for rezoning for designation of the district for the keeping and raising of farm animals. An "A" following a zone designation indicates farm animals are permitted.

2. **Procedure for Designation**. A request for rezoning must include at least five contiguous properties or have at least 1 ½ acres.

3. **Ratio of Animals to Lot Size for Farm Animals.** In order to have farm animals on a residential lot with an "A" designated zone, the following minimum square footage requirements will be required for each animal.

   a. Each large animal requires at least 10,000 square feet. Each medium animal requires at least 4,000 square feet. Each small animal requires at least 400 square feet.

      For example, a twenty-thousand square foot lot could have no more than two large animals, or no more than five medium animals, or no more than fifty small animals, or a combination of one large animal, two medium animals, and five small animals.

   b. Vietnamese pot bellied pigs may be kept at a ratio of two [2] animals for each ½ acre of lot size (no less than 20,000 square feet). Maximum number of Vietnamese pot bellied pigs shall be two [2] per residential lot. (Ord 12-05, Amended 1-31-2012, Ord 12-22, Amended 6-18-2012)

B. **Household Pets**.

1. **Maximum Number Allowed**. All zones are allowed no more than a total of six common household pets (dogs, cats, rabbits, ducks). These household pets may be kept on-site for family use only. Roosters are not allowed as a household pet. Exceptions:

   (a) In addition to the six common household pets, there shall be no more than ten chickens, kept on a non-nuisance basis.

   (b) No more than two dogs per residence are allowed unless the resident has procured a dog hobby license to allow up to a total of five dogs. (Ord 12-05, Amended 1-31-2012, Ord 12-22, Amended 6-18-2012)

2. **Canine Hobby License**. A Canine Hobby License is required for maintaining more than two dogs and limits the maximum permitted to five dogs per residence.

C. **Outdoor Animal Domiciles Structure**. Partially enclosed and/or roofed structures (e.g. barns, corrals, cages, pens, coops, kennels and runs, etc.) are encouraged to be provided and maintained for all animals kept outdoors. Such structures shall be sited at the rear of the main dwelling and at least 30 feet from neighboring dwellings and comply with all other setback and yard regulations for accessory structures (unless the parcel is over 40,000 square feet and the accessory structure is placed beyond the front or side yard setbacks. See Setbacks and Location Restrictions for "A" Designated Zones for Accessory Structures). The facilities shall be placed in compliance with all animal regulations, noise and nuisance regulations, and Salt Lake Valley Health Department regulations and procedures, with the following exceptions:

1. All dog kennels and dog runs must be setback at least 10 feet from the property line and at least 40 feet from all neighboring dwellings.

2. For properties which have an "A" designation, the Director may allow an outdoor animal domicile structure for farm animals to be constructed prior to construction of a main dwelling under the following conditions:

   a. The structure complies with all accessory structure setbacks, height, and size standards.

   b. The structure is in scale and character with other accessory buildings located within 0.50 miles of the property and located in the same or larger lot zone district or is an improvement to the immediate area (e.g. R-1-15A, R-1-20A, R-1-30A, R-1-40A).

   c. That an agreement be recorded against the property that the structure will be relocated or removed as necessary to comply with setback standards upon additional development of the property (e.g. construction of the main dwelling, subdivision, etc.). In addition, a plot plan shall be submitted which indicates the location of the structure in relation to a future residence on the property, and this information also be provided within the agreement.

   Note: This section applies only to those animal facilities placed outside the main dwelling unit. This regulation does not apply to any location within the interior of the home including the garage or other attached interior space.

## 15A-11-04 Earth-Sheltered Dwellings

A. **Development Standards**. The following regulations shall apply to dwellings constructed underground or partially underground for purposes of energy conservation:

   1. **Emergency Egress**. There shall be immediate emergency egress from all sleeping rooms.

   2. **Exterior Windows**. At least half of the habitable rooms of an earth-sheltered dwelling unit shall be provided with exterior windows and shall receive a minimum of one hour of sunlight on each clear day. There shall be a minimum exposure of western windowed walls to the late afternoon sun in the summer.

   3. **Natural Light**. Artificial light may be allowed as a substitute for natural lighting. However, the overall natural lighting or exterior glazing requirement shall be 8 to 10 percent of the floor area of the habitable rooms.

   4. **Minimum Floor Area**. The required minimum floor area may be waived for any earth-sheltered dwelling structure if that structure is designed for energy conservation, and the structure will meet all applicable building, development, and health codes.

   5. **Setbacks**. Any exterior wall in an earth-sheltered dwelling unit may extend into the rear, side, or front setback a maximum of one-half of the required setback distance of that zone district. Exceptions would include:

      a. Any exterior wall containing a window facing the front street property line shall be built behind the required front setback area.

      b. The distance between the side lot line and a side wall containing windows shall not be less than

6 feet from the side property line.

c. No part of the outdoor living area shall exceed 8 percent slope, and 15 feet of the depth shall not exceed 2 percent slope.

d. No inside living space or exterior wall may encroach upon any easement, right-of-way, any access for maintenance, or cause instability to neighboring structures.

6. **Bermed Structures.** Bermed structures shall have one foot of setback for every foot of berm above existing grade.

7. **Guardrails**. Fences or barriers shall be required along roof edges or any vertical drop. Fences or barriers which will prevent access to the roof area may be setback from the roof edge.

B. **Site Plan Review**. Plans for construction of earth-sheltered dwellings shall be subject to the applicable standards outlined in this Title including a grading and landscaping plan.

## 15A-11-05 Home Occupations

A. **Purpose**. The purposes of this section are to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.

2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.

3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.

4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards and other possible business uses that create significant impacts on a neighborhood.

5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Business License regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary terminate home occupations if violations of the ordinances regulating home occupations occur.

B. **Home Occupation License**. All home occupations shall be licensed unless specifically provided an exemption in this section or in the Business License regulations of the ROSC. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.

C. **Categories and Requirements of Home Occupation Licenses**. Home Occupation businesses are licensable as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.

D. **Home Occupation Standards**. All home occupations shall comply with the following standards at all times:

1. **Bona Fide Resident**. The home occupation business shall be owned by and carried on only by a bona fide resident of the home.

2. **Satellite Office Not Allowed**. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities shall not be conducted at the home of an employee of a company by non-resident company employees.

3. **Accessory Use on the Property**. For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.

4. **On-Site Employees**. One full-time or full-time equivalent non-resident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one non-resident employee may work at the home at one time.

5. **Off-Site Employees**. Any home occupation may utilize employees to work off site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the Home Occupation Business License except for incidental vehicle stops.

6. **Off-Street Parking**. All business related vehicles which park at the location of the home occupation, including those of the applicant, on-site employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles. (Ord 10-45, Amended 12-14-2010)

7. **Vehicle Advertisement**. Vehicles, trailers, or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation. (Ord 10-45, Amended 12-14-2010)

8. **Designating Areas of Property to be Used**. The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal location for business activities. No businesses are allowed to operate outside of an enclosed structure, unless otherwise approved by the Planning Commission for outside activities. (Ord 10-45, Amended 12-14-2010)

9. **External Appearance**. The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.

10. **Outdoor/Yard Space**. The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales,

service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas. (Ord 10-45, Amended 12-14-2010)

11. One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation are as follows:

    a. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.
    b. Materials/equipment shall not be stored outside of the trailer.
    c. The trailer shall be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
    d. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to odors, dust, or parking location.
    e. All areas utilized for the parking of trailers shall be paved with a hard surface, e.g., concrete, asphalt, brick, or other water impenetrable surface. This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
    f. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard. (Ord 10-45, Amended 12-14-2010)

12. **Commercial Vehicle.** Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence. This vehicle must comply with all residential parking requirements contained within this code. (Ord 10-45, Amended 12-14-2010)

13. **Conformity with Safety Codes**. There shall be complete conformity with fire, building, plumbing, electrical and all other City, County, State and Federal codes. (Ord 10-45, Amended 12-14-2010)

14. **Health and Safety**. No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)

15. **No Excessive Utility Uses**. The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses. (Ord 10-45, Amended 12-14-2010)

16. **Neighborhood Disruptions Not Permitted**. The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances including interferences with radio and television reception or any other adverse effects within the neighborhood. (Ord 10-45, Amended 12-14-2010)

17. **Renter/Owner Responsibility**. If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office. (Ord 10-45, Amended 12-14-2010)

18. **Interior Alterations/Remodeling**. Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms. (Ord 10-45, Amended 12-14-2010)

E. **Category I Qualifications**. In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the Conditional Use Permit process before submitting the application for a home occupation business license.

1. **Hours**. No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

2. **Traffic**. Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. The home occupation shall be limited to two business related visitors or customers per hour, to a maximum of eight business related visitors or customers per day. Business related deliveries or pickups shall not exceed two per day.

3. **Delivery Vehicles**. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.

4. **Conducted in a Home**. When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.

5. **Maximum Floor Space**. No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor in the alternative more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.

6. **Signs**. The home occupation may utilize one unanimated, non-illuminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.

7. **Display of Products**. The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.

8. **Food or Beverage Preparation for Consumption outside of the Home.** Any home occupation involving or proposing to involve food or drink preparation, storage, or catering. Such a home occupation will be permitted when it is authorized by the appropriate State or County department or agency.

9. **Category I Home Occupation License Involving Child Day Care and Other Child Group Activities**

   a. The Category I home occupation shall not exceed eight children associated with child day care or other child group activities (e.g. dance schools, preschool, music classes, etc.) at any one time.

A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

b. All child day care and other group child activity facilities shall provide safe, outdoor play time and space as required by Federal, State, County or local laws governing such business activities.

10. **Category I Home Occupation License Involving Elderly Day Care**

a. This type of Home Occupation shall not exceed supervising more than two elderly persons 60 years of age or older. Any Home Occupation of this nature which exceeds two individuals or more than 12 hours of operation will be considered a Category II Home Occupation and shall be reviewed and approved by the Planning Commission.

b. This type of Home Occupation must comply with all local and state laws governing such business activity.

11. **Category I Home Occupation Licensing Involving Renting Recreational Vehicles from Personal Property in Single Family Residential Zones.**

a. A property owner/resident living in the home may rent one (1) recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two (2) recreational vehicles.

b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within this Code, except that any recreational vehicle that is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with.

c. Advertising on the recreational vehicle is prohibited.

d. Servicing the recreational vehicle shall be limited to those activities which will comply with the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.

e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)

F. **Category II, Conditional Use Permit Required**. If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a Conditional Use Permit before pursuing a Home Occupation Business License through the Business License Office.

1. **General**. In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:

a. All Category II home occupation uses shall only be conducted from property with a single family dwelling.

b. The Conditional Use Permit and the Home Occupation Business License shall be maintained in good standing for the entire period that business is being conducted.

2. **Compliance.** Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 5 Business Licensing, all of the standards and qualifications that have not been granted an exception through the conditional use process and additional regulations set forth hereafter.

3. **Child Day Care.** The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time.

a. A maximum of 16 children is permitted at any one time. (Ord 12-33, Amended 9-17-2012)

b. A maximum of 18 children is permitted per day.

c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.

4. **Group Child Activities.** The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g. dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care.

a. The following guidelines shall be used to determine the maximum number of students/children permitted:

(1) A traffic plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop-off and turn-around areas.

(2) The existing residential street is of sufficient width to accommodate additional vehicular traffic.

b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.

c. A maximum of four sessions per day may be permitted.

d. All sessions combined shall not generate more than 24 vehicular stops per day.

e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.

5. **Work Shops.** Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities.

6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:

   a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.

   b. No more than a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure, or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.

   c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.

   d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.

   e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.

7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.

8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.

9. **Home Occupations Generating Excessive Traffic.** Any home occupation which will generate in excess of two customers or visitors per hour or eight (8) per day. A maximum of 12 business-associated visitors per day may be allowed under a Conditional Use Permit, except as provided for child day care and other group child activities.

10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)

11. **More Than Two Home Occupation Licenses.** Any home where the applicant(s) is seeking

more than two home occupation licenses.

G. **Prohibited Home Occupations**. The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:

1. Mortuary, crematorium, columbarium, mausoleum.

2. Animal hospitals or veterinary services.

3. Clinic, dental office, medical office, chiropractic office, or hospital.

4. Junk yard, auto wrecking yard, or salvage yard.

5. Stables, kennels, pet stores, or any other commercial animal breeding business, or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.

6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)

7. Fitness or health spa facility.

8. Boutiques, sample sale, or craft shows.

9. Auto body repair, motor vehicle repair.

10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted Building and Fire Codes would require an Operational Permit.

11. Number of vehicular stops/or visits that would exceed 24 per day.

## 15A-11-06 Manufactured Homes.

All manufactured homes placed in an R-1 zone, placed pursuant to §10-9-106.5, Utah Code Unannotated, shall install a concrete foundation wall around the perimeter of the structure. Such structures shall also include a required 2-car garage (attached or detached) prior to occupancy of the structure.

## 15A-11-07 Mobile Homes.

No mobile home shall be placed, used, or occupied except within approved mobile home subdivisions, mobile home parks, or mobile home sales lots.

## 15A-11-08 Residential Facility for Elderly Persons or for Persons with a Disability

A. **Purpose**. The purpose of this section is to:

1. Comply with Utah Code Annotated.

2. Avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair Housing Act as interpreted by courts whose decisions are binding in Utah. This section is not a separate zone for such facilities, but applies to all residential zones within Sandy City.

   If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this Title, the requirements of this Chapter shall govern the same notwithstanding any conflicting provision of this Title or the Revised Ordinances of Sandy City. Except as provided herein, the requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Revised Ordinances of Sandy City, or other local, County, State or Federal laws.

## B. Permitted Uses

1. **Permitted Uses**. Notwithstanding any contrary provision of this Title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted or conditional use subject to the development standards in paragraph D of this section.

2. **Termination**. A use permitted by this Section is nontransferable and shall terminate if:

   a. The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.

   b. Any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked.

   c. The facility fails to comply with requirements set forth in this Chapter.

C. **Review Process**. In order to evaluate the impact of the proposed facility and its similarity to the impact of a single family dwelling occupied by a family or, where applicable, in multiple family zones or a multiple family dwelling, the following information must be submitted with the application. Additional information may be requested to aid in that review.

1. Sufficiently detailed site plans, building plans, and other information necessary to determine compliance with building, safety, and health regulations and standards applicable to similar residential dwellings permitted in the zone.

2. Drawings or photographs depicting the elevations of all sides of all buildings.

3. Specific type of facility (as defined by State regulations) and by which agency it is regulated.

4. Number of residents, resident and non-resident staff and expected/typical number of visitors per day.

5. Location and number of similar facilities in the vicinity of the proposed facility.

6. Type of operation - business, family, eleemosynary, charitable, or beneficial organization.

7. Supervision - hours and degree of supervision to be provided.

8. Typical or average length of stay of the residents.

9. Special accommodation(s), waivers, or exceptions requested or necessary, the extent thereof, and basis for need for the same.

10. Photographs and plot plans of residences within 1,000 feet of the proposed site that are similar in size and scope to the accommodation request.

11. Location of any schools within 500 feet of the property line of the proposed site.

D. **Development Standards**. The development standards set forth in this Section shall apply to any residential facility for elderly persons or residential facility for persons with a disability.

1. **Building, Safety and Health Regulations**. The facility shall comply with building, safety, and health regulations applicable to similar residential structures within the residential zone in which the facility is located.

   a. Each facility shall be subject to the same development standards applicable to similar residential structures located in the same zoning district in which the facility is located.

   b. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.

2. **No Dangerous Persons Permitted**. No facility shall be made available to an individual whose tenancy would:

   a. Constitute a direct threat to the health or safety of other individuals.

   b. Result in substantial physical damage to the property of others.

3. **Proximity.** No such facility may be located within 800 feet measured from the property line of each facility of a similar facility. (Ord 10-04, Amended 2-19-2010)

4. **Security Measures.** For residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the Department of Human Services under Title 2A, Chapter 2, Licensure of Programs and Facilities:

   a. A security plan satisfactory to local law enforcement authorities.

   b. Twenty-four hour supervision for residents.

   c. Other 24-hour security measures.

5. **Day Treatment and Outpatient Treatment**. Any such facility may seek an approval from the

Planning Commission which would allow Day Treatment and/or Outpatient Treatment if the following measures have been taken to ensure the facility will not alter the fundamental character of the neighborhood:

(a) The facility has direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
(b) The facility is located on the same block, or within 800 feet of an Institutional Care Facility.
(c) The facility has enough off-street parking to accommodate each staff member, van/carpool parking, and each outpatient client.
(d) All Day Treatment clients are transported to the Residential Facility for Disabled Persons from a separate facility using a van/carpool.
(e) The maximum Day and Outpatient Treatment clients will not exceed 8 at any one time as permitted by the Building and Safety Code.
(f) The facility is licensed for all three different activities by both the City and the State.
(g) The facility meets all Building, Fire, and Life Safety Codes.
(h) Any approval is subject to periodic review or review upon legitimate complaint. If upon review, the facility is found to be out of compliance with these criteria, the approval may be revoked. (Ord 10-04, Amended 2-19-2010)

6. **Prohibited.** A residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood is not allowed.

E. **License and Certification**. Prior to occupancy of any facility, the person or entity operating the facility shall:

1. **State License.** Provide to the City a copy of any license or certification required by the Utah State Department of Health or the Utah State Department of Human Services.

2. **Certification Requirements.** Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:

   a. Constitute a direct threat to the health or safety of other individuals.
   b. Result in substantial physical damage to the property of others.

3. **City License.** Obtain a Sandy City Business License.

4. **Compliance/Renewal.** Any such facility must comply with all Federal, State, County and City regulations. At the time of renewal, the applicant must provide copies of all necessary certifications/recertifications or licenses as required by State regulations.

F. **Accommodation.**

1. **Accommodation Required**. None of the requirements of this Chapter shall be interpreted to limit any accommodation which is reasonable and necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

2. **Application**. Any person or entity wanting an accommodation shall make application to the Planning Commission and shall articulate in writing the nature of the requested accommodation and

the basis for the request.

3. **Appeal**. If an accommodation request is denied, the decision may be appealed to the Board of Adjustment in the manner provided for appeals of administrative decisions set forth in this Title.

4. **Prohibited Accommodations**. The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties. An example would include a reduction in setback requirements for the installation of handicapped accessibility improvements. An accommodation cannot be granted to waive a zoning requirement, general setback reduction requests not related to the occupants, increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight plus two additional persons acting as house parents or guardians.

G. **Accommodation Review Process**. The Planning Commission shall review all applications for accommodation to determine if the accommodation(s) is reasonable and necessary. In addition, the Commission shall determine if the impact of the facility and each accommodation requested (both singly or in combination with all other accommodations requested) is similar in impact to the impact of a single family dwelling occupied by a family (or, where applicable in multiple family zones, a multiple family dwelling), or changes the fundamental character of the neighborhood. Additional information may be requested by staff or the Planning Commission to aid in that review.

1. **Purpose.** The Planning Commission shall review the application for an accommodation for the purpose of:

   a. Verifying compliance with the building, safety, and health regulations that are applicable to similar structures, including those found in the IBC (International Building Code), UFC (Uniform Fire Code), Life Safety Code, Sandy City Ordinances, state statutes and regulations and federal laws and regulations.

   b. Determining if the residential facility is consistent with the use of the building as a single family dwelling and has no different or greater impact on the neighborhood than a single family dwelling occupied by a family as defined in this Title (or in multiple family zones to a multiple family dwelling occupied by multiple families).

2. **Aggregate Review.** The Planning Commission shall determine if each such accommodation, waiver, or exception or some modification thereof is reasonable and necessary when taken as a whole together with all other accommodations, waivers, or exceptions.

3. **Findings.** The Planning Commission shall approve only those applications where it finds that:

   a. The facility with the requested accommodation(s) complies with the regulations set forth above.

   b. The facility with the requested accommodation(s), either with or without the imposition of conditions as set forth herein, has no different or greater impact than a single family dwelling occupied by a family (or, where applicable, in multiple family zones, multiple family dwelling occupied by multiple families).

   c. The requested accommodation(s) is reasonable.

d. The requested accommodation(s) is necessary.

e. The facility with the requested accommodation(s) is not likely to create a fundamental change in the character of the residential neighborhood.

4. **Conditions.** The Planning Commission may impose conditions to address concerns of safety for persons and property, health and sanitation, environment, general plan, and neighborhood needs in order to mitigate the impacts of the use on the adjacent properties and to assure that the use will have no different or greater impact than a single family dwelling occupied by a family (or, where applicable in multiple family zones, multiple family dwelling occupied by multiple families) consistent with the guidelines set forth for Conditional Use Permit review.

H. **Exemptions**. A Residential Facility for Persons with a Disability shall not include facilities which house persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

## 15A-11-09 Half-Pipe Ramps In Residential Districts

A. **Residential Zones**. Half-pipe ramps are non-permitted uses in residential zones but may be allowed as a special exception. The following is required for review prior to approval of a half-pipe ramp as a special exception in any residential zone:

1. **Drawings.** Drawings showing the scale, design, and materials of which the half-pipe ramp is to be built. This is to evaluate the noise, vibration, and nuisance impact of the half-pipe ramp.

2. **Description.** A written description of the materials and location of all screening to evaluate the half-pipe ramp's impact upon and harmony with adjacent properties.

3. **Lighting.** A written description of the scale, location, and direction of all lighting.

4. **Rules.** A set of written rules which will govern the use and operation of the half-pipe ramp.

5. **Neighborhood Notification.** The names and addresses of all property owners within 300 feet of the proposed half-pipe ramp, proof that all such owners have been notified of the proposed half-pipe ramp, have had an opportunity to comment, and a written statement indicating any comments received by the applicant from them.

6. **Affidavit.** A written statement that the owner has reviewed all laws, ordinances and regulations related to half-pipe ramp construction and use and a written agreement to comply therewith.

B. **Special Exception Review.** After receipt of the submittals required by subsection A, the Director, shall promptly review the proposal and may thereafter approve the proposed use as a special exception only if and so long as:

1. The proposal complies with all applicable building and zoning regulations and will not likely constitute or cause any of the following:

2. Does not cause a public nuisance or other illegal use under State or local laws or health department rules and regulations.

3. Does not cause a fundamental change in the character of a residential neighborhood.

4. Does not cause adverse impacts greater than typical of permitted residential uses in the zone.

5. The Director may hold a public hearing or meeting to consider the proposal prior to his decision. Any person aggrieved by the Director's decision may request review by the Board of Adjustment which decision shall be final.

C. **Development Standards.**

1. **Design.** Every proposed half-pipe ramp shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe ramp may be located below ground level, but in no case shall any portion of the half-pipe ramp exceed six feet in height above ground level, excluding handrails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m. during standard time, and 8:00 a.m. to 9:00 p.m. during daylight savings time.

2. **Screening.** Walls, fences, hedges, trees, and other screen planting shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development.

3. **Lighting.** Half-pipe ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents.

4. **Personal Use.** No commercial or advertised use of the half-pipe ramp shall be permitted, and no donations or contributions shall be solicited or received for use or attendance at half-pipe ramp activities.

5. **Rules.** Written rules have been adopted by property owners to insure safe and reasonable use and operation of the half-pipe ramp.

6. **Agreement to Comply.** Property owners have reviewed the laws, ordinances, and regulations related to half-pipe ramp construction and use and have agreed to comply with such provisions.

7. **Compliance to Codes.** The proposed half-pipe ramp shall comply with all pertinent sections of the International Building Code and all zoning requirements, including side and rear yard setbacks and size regulations for accessory structures.

8. **Penalty.** It shall be a Class C misdemeanor for any owner of residential property upon which a half-pipe ramp is located to permit the half-pipe ramp to be used in violation of any ordinance of Sandy City or any rule or regulation of the Salt Lake Valley Health Department, regardless of whether the property owner had knowledge of the actual violation.

## 15A-11-10 Swimming Pool Regulations

A. **Private Swimming Pools**. Any private swimming pool not completely enclosed within a building

having solid walls shall be set back at least 5 feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least 6 feet. There shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices.

B. **Semi-Private Swimming Pools Special Exception**. The Planning Commission may grant a special exception to temporarily or permanently use land in any district for semi-private swimming pools or recreational facilities providing that in all cases the following conditions are met:

1. The facilities shall be owned and maintained by the members and a minimum of 75 percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.

2. The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking, where required by the Planning Commission. A landscaped front yard of not less than 30 feet and a landscaped side yard on both sides and rear of not less than 10 feet is required.

3. The area to be developed into a recreational area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.

4. A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than 6 feet, no more than 8 feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front setback, unless otherwise approved by the Planning Commission.

5. Under no condition may any type of retail or business facilities, including vending machines, be permitted in the recreational area except those specifically approved by the Planning Commission.

6. Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the Planning Commission. Together with the plans, there must be submitted a detailed outline showing how the area is to be funded, managed, and maintained. The Planning Commission may require a bond by the owners to guarantee performance of the regulations placed as conditions upon which the area is approved. If any of the requirements are not complied with, the authorization will be void.

7. The owners of the proposed recreational facility must have a statement from the owners of all abutting properties and at least 75 percent of the property owners within a radius of 300 feet of said development giving permission to develop a recreational facility. Covenants and conditions regulating the use of the facility shall be submitted to the Planning Commission and the Salt Lake Valley Health Department for review and approval.

### 15A-11-11 Bed and Breakfast Facility

This subsection is established to provide regulations and site standards for bed and breakfast facilities within residentially zoned districts as may be allowed through the development review process. Bed and breakfast

facilities may be allowed by Conditional Use Permit where the applicant can show evidence of compliance with outlined standards and procedures and where there is clearly minimal impacts on adjacent residential properties and neighborhoods.

A. **Requirements for Approval**. A Conditional Use Permit may be granted by the Planning Commission for a bed and breakfast facility provided the requirements herein are met. The granting of a Conditional Use Permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.

The following pre-conditions and documentation are required:

1. A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners or live-in residential manager will occupy the facility except for bonafide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.

2. The effective period of the conditional use permit for bed and breakfast facilities shall be 2 years from the date of the original permit. At the end of every 2 years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner or live-in residential manager, and that all other conditions required at the time of approval remain unchanged.

   Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use Permit. The Planning Commission, at its discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use Permit.

3. Building plans or a floor plan (1/4 inch to the foot) showing the bed and breakfast facility shall be provided.

B. **Development Standards and Requirements for Bed and Breakfast Facilities**.

1. The owner(s) of the property or live-in residential manager shall live within the facility, except for bonafide temporary absences.

2. The location of a bed and breakfast facility shall have direct access to an arterial or collector through street. Said facility will typically be isolated somewhat from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.

3. The location of a bed and breakfast facility shall be at least 1/4 mile from any other similarly approved facility unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.

4. The bed and breakfast facility shall be located on a larger parcel than a typical residential lot. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc. In no case shall the parcel be less than one-half acre in size unless it is determined by the Planning Commission that the site is architecturally or historically significant enough to justify a smaller parcel.

5. The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Unique architecture is encouraged, where possible, in keeping with the local area.

6. Signage for a bed and breakfast facility shall be low key, identifying the name of the facility without any advertising copy. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Sign size shall be no more than four (4) square feet.

7. The Planning Commission may require additional setbacks, buffering, landscaping, and natural setting to mitigate impacts on adjoining residential properties.

8. At least one off-street parking space shall be provided for each guest room in addition to needed parking for owners/employees of the facility.

9. The design and size of the bed and breakfast facility shall conform to all applicable standards in the fire, building, and health codes. The facility shall be licensed in conformance with all City ordinances.

10. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission.

## 15A-11-12 Commercial Schools (Low Impact)

A. **Permitted Locations**. Commercial Schools (Low impact) are allowed according to the Commercial and Residential Land Use Matrices and all must comply with the following restrictions:

1. The proposed use must have direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.

2. The appearance of the structure shall be compatible to other uses within the same zoning district.

3. Occupancy shall be limited to no more than two instructors and a total of 20 students at any one time. However, the number of instructors may be increased up to four, and/or the number of students may be increased up to a total of 30 students if it is found by the Planning Commission that the site can adequately contain the required parking while still meeting the requirements of condition 4(b) below, and if such allowance does not adversely impact the surrounding neighborhood.

4. **Required Parking**

   a Required parking shall consist of at least one space for each instructor, four visitor spaces, and four queuing spaces.

   b. In addition, one visitor space is required for every five students or portion thereof allowed beyond the first 20 students.

5. An on-site drop-off area shall be provided.

B. **Commercial School**. Any commercial school (low impact) which cannot meet the above criteria must meet the standard location and use allowances for "Commercial School" as shown in the Land Use Matrices.

## 15A-11-13 Exposition/Convention Center

A. **General**. This section provides specific standards for certain uses which are permitted or are operated as accessory uses as part of an exposition/convention center. All uses are not allowed unless the standards described in this section are met.

B. **Standards Applicable to All Activities**

1. No temporary signage is permitted within the landscape area along street frontages. The exposition/convention center electronic message board sign(s) shall be the primary street identification for shows and activities within the facility.

2. Temporary banners may be affixed above approved designated entrances to assist in directing patrons to a specific exhibition hall.

3. Admittance to any activity, regardless of time extension, shall cease at 12:00 a.m. Sunday through Thursday, and shall cease at 1:00 a.m. for Friday and Saturday. No activity, including private meetings, shall extend beyond these hours unless otherwise approved as permitted in section C(3) of this section for extended hours.

4. Outdoor uses (e.g. sales, display, sporting events, or activity areas) that occupy required parking areas shall ensure that adequate parking is provided. A detailed parking plan shall be submitted and approved by the Community Development Department to ensure that adequate parking is provided. The parking plan may include areas that are off site provided a shuttle service is provided. The shuttle service is required to operate one-half hour after the event.

5. In addition to all other necessary licenses and permits, all vendors who sell or contract to sell a product or other taxable service shall obtain a temporary sales tax number indicating Sandy City as the point of sale. Temporary Sales Tax Licenses (aka Special Event Permit, issued by the State Tax Commission), shall be made available upon demand to an authorized representative of the Business License office or Utah State Tax Commission.

6. The promoter of an event shall provide, upon demand, a list of all participating vendors to an authorized representative of the Sandy City Business License Office or to an authorized representative of the State Tax Commission. The format of the list (electronic, paper etc) shall be provided in a manner acceptable to the agency placing the demand.

7. Outdoor sales or consumption of alcohol is prohibited.

8. Pornographic material or performances are prohibited. Any material or performance is pornographic if considered, as a whole, applying contemporary community standards.

9. Distribution or posting of handbills upon vehicles or upon the site is prohibited.

10. The sponsor of a function is responsible to provide appropriate indoor and parking lot security for private meetings and functions. Proper supervision of patrons is required. The sponsor must comply with all City and State laws governing alcohol sales and consumption.

C. **Additional Standards for Specific Activities**. In addition to the above standards, the following requirements apply to the following activity classifications:

1. **Outdoor Activities** (e.g., vehicle shows/sales, sporting events, product demonstrations)

   a. Outdoor sales and attendance by the general public to the outdoor portion of any show shall be restricted to 9:00 a.m. to 9:00 p.m.

   b. No outdoor sporting event shall continue after dusk (½ hour after sunset) or 8:00 p.m., whichever is earlier.

   c. Outdoor displays and booths are permitted only in designated areas.

   d. No outdoor display or booth shall occupy a required parking area unless an appropriate parking plan has been submitted and approved by the Director.

   e. No outdoor display shall create noise or odor in violation of applicable noise and health ordinances.

   f. No outdoor event shall take place within the area for loading/unloading activities or adjacent to residential areas.

2. **Concerts (live or broadcast)and/or Dances**.

   a. For concerts, ticketed, assigned, and fixed seating are required. Unassigned or non-fixed seating (also known as festival seating) is not permitted.

   b. One security guard per 200 individuals attending must be provided unless otherwise required by the Police Department or facility management.

   c. Emergency medical personnel must be provided on site as required by the Fire Department.

   d. All doors of the facility that are adjacent to a residential area must be closed during a performance.

   e. Live bands are prohibited from warming up or performing in outdoor areas adjacent to residential areas.

   f. No loitering in the parking lot by patrons is allowed. Security must also patrol any parking areas to prevent patrons from loitering in the parking lot.

   g. All laws and ordinances for curfew for individuals under the age of 18 must be obeyed.

   h. The business license permit for a concert and/or dance shall be submitted to the Community

Development Department at least 15 business days before the proposed event may take place. For a complete application, the applicant shall submit a letter of approval from the Sandy City Police and Fire Departments and the South Towne Expo Center Administration.

3. **Extended Hours Past 12:00 a.m (Sunday-Thursday) and/or 1:00 a.m. (Friday and Saturday).** A separate permit shall be required from the Director for extended hours. No more than three permits for extended hours for the facility shall be issued in a calendar year (Jan-Dec). This is not to be interpreted to mean three separate permits per event operator. Three is the total number permitted per year for the entire facility. An approval letter from the South Towne Expo Center Administration shall be submitted with the permit for extended hours.

   a. Admittance to any activity, regardless of time extension, shall cease at 12:00 a.m. Sunday through Thursday, and shall cease at 1:00 a.m. for Friday and Saturday.

   b. In no instance may a permit be granted for operation of any activity beyond 2:00 a.m.

   c. All laws and ordinances for curfew for individuals under the age of 18 must be obeyed.

   d. No loitering in the parking lot by patrons is allowed. Security must also patrol parking areas to prevent patrons from loitering in the parking lot.

   e. All doors of the facility that are adjacent to a residential area must be closed during the activity.

   f. Time for the set up, take down of indoor events may be approved beyond the approved extended hours. When adjacent to residential areas, loading/unloading activities shall comply with applicable noise ordinance.

## 15A-11-14 Temporary Uses

A. **Purpose and Intent**. The purpose and intent of the Temporary Use Permit is to allow certain uses, within Sandy City, which are transitory or seasonal in nature, in a manner that will assure compatibility with the zone district and adjacent properties. A temporary use, which is subject to the following provisions, is typically a commercial business venture, for which a business license is required, and which is conducted on private property. A special event, which is governed by policy, is generally an event which is not required to obtain a business license and is conducted on public property.

B. **Standards for Temporary Use.** A Temporary Use shall comply with general standards as provided below with two exceptions listed after the general standards:

   1. No more than two temporary uses are allowed per site at one time.

   2. Sanitary facilities shall be available for waste disposal for the protection of community health and safety.

   3. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses.

   4. Hours of operation shall be limited to the hours of 7:00 am to 10:00 pm.

5. Signs must comply with the City adopted sign regulations.

6. A use and/or display may not be placed within the public right-of-way or on any landscaped area. Produce stands may be located on the landscaped area subject to paragraph 8 below.

7. Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.

8. In authorizing a temporary use, the Community Development Department shall impose such additional requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this Section.

Exceptions:

a. Produce stands (sale of fruits and vegetables that have been produced on the same site as the temporary sales) are required to comply only with standards 5 through 8; and

b. A temporary use permit to be approved by the City Engineer and Director for Construction Trailers, Staging Areas, and Equipment Sheds that may utilize or occupy vacant properties, staging areas, or on projects that are under construction.

C. **Temporary Use Permit Required.** A temporary use permit and business license, where applicable, shall be required for the following:

| **Temporary Use Permit Required without a Business License** | | |
|---|---|---|
| **Temporary Use Type** | **Location Standards** | **Duration** |
| **Produce Stands**: Includes goods grown on-site and sold primarily for consumption (e.g. Fruits and Vegetables). | The sale of produce must be located on the same property on which the goods were grown. | Growing season (generally the summer months). |
| **Construction Office, Staging Areas and Equipment Sheds** | Permitted in all zones. | Allowed on a site until final inspections of the project are completed. |
| **Temporary Use Permit and Business License Required** | | |

| | | |
|---|---|---|
| **Farmer's Market** (sale of produce that is not necessarily grown on-site). | Permitted only on parcels or within developments larger than five acres in size. A Farmer's Market may also include a not for-profit activity (provided the site can accommodate such an activity) such as non-mechanical rides, bounce houses, slides, etc. during the Farmer's Market. | May not begin prior to June 1 and must terminate by November 1. Requires a new permit annually. |
| **Road Side Stands and Temporary Retail Sales**: Includes Christmas tree lots, firework stands, snow shacks, ice cream vendors, antique, rug, art, produce, or plant sales or other similar retail uses. | Allowed if the use is permitted in the zone and is secondary to the principal use. A road side stand and temporary retail sales may also include a not for-profit activity (provided the site can accommodate such an activity) such as non-mechanical rides, bounce houses, slides, etc. during the Temporary Use. | No more than 150 licensed days per site each calendar year (i.e. Two businesses licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premise at the same time or not). |
| **Festivals including bazaars, fairs, etc.**<br><br>A Festival as defined in this section of the code is: A not for-profit activity or event that may include shows, games, non-mechanical rides, concessions, or any combination thereof. | Permitted in residential or non-residential zones and in conjunction with institutional buildings only when associated with a permanent business, charitable non-profit organization, or governmental entity. | 15 consecutive days in a calendar year per applicant. |
| **Temporary Trailer for Retail Sales and/or Office Space**. | Permitted upon issuance of a building permit for a permanent structure and facilities on the affected site. Shall also include installation of adequate temporary parking. | Maximum temporary use permit period shall be twelve [12] months. The permit may be renewed and extended upon Planning Commission review up to six [6] month increments. |

D. **Application for Temporary Use Permit.** An application for a Temporary Use Permit shall be made to the Community Development Department, in conjunction with a business license when applicable, at least 10 days prior to the date of requested use. No temporary use permit shall be issued more than 180 days prior to the start of the temporary use period. The Department may issue or deny the application for a Temporary Use Permit.

1. **Information Required for Application.** An application for a Temporary Use Permit shall be accompanied by the following information:

a. **Description.** A written description of the proposed use including requested length of

permit and hours of operation.

b. **Authorization for Use.** If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.

c. **Site Review.** A vicinity map and plot plan with sufficient information to determine the primary use of the property and the required site requirements, sanitary facilities and availability of parking to serve the uses.

2. **Insurance/Bond Required.** The following insurance policies and/or bonds shall be posted:

a. **Public Property**. All temporary uses that utilize public property shall obtain a General Liability insurance policy which names the City as an additional insured, and which is not less than the current damage caps set forth in the Utah Governmental Immunity Act.

b. **All Temporary Uses**. All temporary uses shall post a $1000 bond, to ensure clean-up of the property, as required in the Business Licensing Ordinance. If an itinerant business is located on the premises of a shopping mall or center or other such permanent commercial building, the owners of the mall or building may at their option, provide a cash or surety bond in the amount of $2,000, in lieu of individual merchants posting a $1,000 bond.

## E. Revocation of Temporary Use Permit

1. **Authority**. A temporary use permit may be revoked by the Director in accordance with the provisions of this section, if the recipient of the permit fails to develop or maintain the property in accordance with the plans submitted, the requirements of the title, or any additional requirements lawfully imposed in connection with the issuance of the temporary use permit.

2. **Notice**. Before a temporary use permit may be revoked, written notice of the decision to revoke shall be given to the permit holder. The notice shall inform the permit holder of the grounds for the revocation and advise the permit holder that the revocation shall be effective thirty (30) days for the date of the notice unless before the revocation date, the permit holder either:

a. Demonstrates to the satisfaction of the Director compliance with the requirements of the zoning certificate; or

b. Files an appeal of the Director's decision to revoke pursuant to subsection 4 of this section.

3. **Effect of Revocation**. No person may continue to make use of land or buildings in the manner authorized by any temporary use permit after such permit has been revoked in accordance with this section.

4. **Appeal**. Revocation of a temporary use permit by the Director may be appealed to the Board of Adjustment in accordance with the provisions of this Title.

(Ord 12-17, Amended 5-29-12)

## 15A-11-15 Garage Sales

The following standards shall apply to all garage sales at residences within Sandy City:

1. **Frequency.** There shall be no more than three garage sales at a residence per calendar year. The calendar year is defined as January 1 through December 31. Garage sale events must be separated by at least a 14 day period.

2. **Duration of Sale.** A garage sale is permitted for a period no longer than 48 consecutive hours.

3. **Location of Garage Sale**. The garage sales shall be located at the actual residence of the owner of the materials to be sold. At a neighborhood garage sale event (i.e., 3-5 neighbors pool their belongings into a super garage sale), the materials must be located at the residence of only one of the participating sellers.

4. **Goods to be Sold**. The items that are permitted to be sold must be used items from that residence. Items purchased or obtained from other locations with the intent to be resold at a garage sale are prohibited and a violation of this section.

5. **Temporary Sales**. Temporary sales within commercial areas are permitted as regulated elsewhere in this code.

## 15A-11-16 Model Homes

The following standards shall apply to all model homes within Sandy City:

1. **Location.** Model homes are only allowed within City approved and recorded residential developments of five units or more. They must be located on a platted lot or site within the advertised development.

2. **Duration.** Model homes may be operated for no more than two years from first occupancy of a dwelling unit in the development or until the second to last unit is sold within the advertised development, whichever comes first. The Director may approve an extension on a case by case basis.

3. **Advertising.** Model homes may not advertise properties located in another subdivision or property located off of the development site.

4. **Construction Standards.** Model homes must comply with all standards and conditions of approval for the advertised development including building materials, setbacks, landscaping, etc. and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.

## 15A-11-17 Sexually Oriented Businesses

A. **Purpose**. It is the purpose and objective of this Section that the City establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses, escort agencies,

outcall service agencies, and semi-nude dancing agencies in areas deleterious to Sandy City; to regulate the signage of such businesses; and to control the adverse effects of such businesses and signage. This Section is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the limitations provided by provisions of the United States of America and Utah constitutions.

B. **Definition**. For the purposes of this section, the following term shall mean:

*Gateway*. For the purpose of this Section, the term "gateway" shall mean 9000 South Street as it begins at the western most boundary continuing east to State Street and 10600 South Street as it begins at the western most boundary continuing east to State Street, 11400 South Street as it begins at the western most boundary continuing east to State Street, State Street as it begins at the City's northern most boundary continuing south to the City's southern most boundary, 700 East Street as it begins at the City's northern most boundary continuing south to the City's southern most boundary and 1300 East Street as it begins at the City's northern most boundary continuing south to the City's southern most boundary.

C. **General Provisions**

1. Sexually oriented businesses, escort agencies outcall service agencies and semi-nude dancing agencies shall be permitted only in areas zoned ID and be subject to the following restrictions:

   a. No sexually oriented business, escort agency, outcall service agency or semi-nude dancing agency shall be located:

      (1) Within 1,000 feet from any school, public park, library, or religious, or cultural activity;

      (2) Within 500 feet of any other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency;

      (3) Within 600 feet from an agricultural or residential use or residential zoning boundary. For the purposes of this section, the measurement from an agricultural or residential use shall begin at the property line of such use.

      (4) Within 150 feet of the 9000 South Street gateway, the distance shall be measured from right-of-way boundary.

      (5) No property within 800 feet of the Interstate 15 freeway right-of-way boundary. This includes an entire parcel of property any portion of which is within 800 feet of the Interstate.

   b. Distance requirements from structures for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the structure of the school, public park, religious or cultural activity, residential use, or other sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.

   c. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of

a residential or agricultural district to the structure of the sexually oriented business, escort agency, outcall service agency, or semi-nude dancing agency.

2. All existing legal nonconforming sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies on the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

D. **Signage**. Notwithstanding anything contrary contained elsewhere in this Code governing sign regulations, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses, escort agencies, outcall service agencies, and semi-nude dancing agencies shall be limited as follows:

1. No more than one exterior sign shall be allowed.

2. No sign shall be allowed to exceed 18 square feet.

3. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.

4. No photographs, silhouettes, drawings or pictorial representations of any manner shall be allowed on any sign. Said signs may contain only the name of the enterprise.

5. Only flat signs shall be permitted.

6. Painted wall advertising shall not be allowed.

7. Other than the signs specifically allowed by this Section, the escort agency, outcall service agency, and semi-nude dancing agency shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

E. **Severability**. If any provision or clause of this Section or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provisions, clause or application hereof, and to this end the provisions and clauses of this Section are declared to severable.

## 15A-11-18 Standards for Church Development for All Zones

A. **Development Standards**.

1. **Location of Sites.** All church sites should be located adjacent to streets which are a minimum of 60 feet wide. No church should be located where access is less than the above except for churches which can show that members will come from the local neighborhoods so that traffic impacts are lessened.

2. **Access.** It is preferred that churches be located where there is access to two streets (corner lots)

unless otherwise approved by the Planning Commission.

3. **Parcel Size.** No minimum parcel size is required, however, the parcel chosen for a church must be adequate to meet all of the development standards to be listed below that include but are not limited to setbacks, landscaping, parking, improvements, and dedications.

4. **Building Setbacks** (except as may be approved with the Storefront Conservation Ordinance).

   a. **Commercial Zone**

      1. Front - 30 feet from property line. (If project fronts on more than one street, setback applies to all street frontages.)

      2. Side and Rear - Minimum 10 feet unless located adjacent to a residential zone. In this case the minimum setback to buildings must be 30 feet.

   b. **Residential Zone**

      1. Front - 30 feet from front property line. (If project is on a corner lot, setbacks are 30 feet on one street and 20 feet on the other.)

      2. Side and Rear - Follow setbacks required according to zone property is in. A greater setback may be needed as may be deemed necessary by the Planning Commission by larger structures.

5. **Building Height.** Maximum building height shall follow zoning that the project is in. Thirty-five feet is the maximum height in a residential zone or in any zone adjacent to a residential zone (not including chimneys, steeples and the like).

6. **Landscaping Setbacks**

   a. Front - 30 feet minimum from property line. (If on a corner lot in a residential zone, 20 feet on shorter setback side.)

   b. Sides and Rear - 5 feet minimum

   c. Landscaping in the front areas shall also include the parkstrip adjacent to the curb including grass and street trees (minimum 2 inch caliper and spaced 30 feet on center).

   d. Landscaping shall also be required within the parking lot itself where large expanses of asphalt occur. There shall be a minimum of one 10 foot wide planter within the parking lot area where over 125 linear feet of asphalt occurs.

7. **Fencing**

   a. As a general rule, fencing shall follow that of the surrounding area. However, chain link fencing is not acceptable unless prior Planning Commission approval is granted. In cases where chain link fencing is approved, vinyl coated chain link mesh will be required.

b. Acceptable fence types shall include vinyl, pre-cast concrete, decorative iron, architecturally designed brick or block, or structural wood fences with square tube metal posts with tongue-in-groove redwood siding and redwood for all other wood members.

8. **Parking**

a. All parking for church facilities shall be on site. No parking is allowed on the street.

b. No parking is permitted within the front landscape setback.

9. **Trash Enclosures and Accessory (maintenance or storage) Buildings**

a. All trash bins shall be surrounded with 6 foot high masonry (or pre-cast) enclosures to match the main building with solid metal gates. Trash enclosures may be combined with accessory (maintenance or storage) buildings. The setback of such structures shall be at least the same as the minimum required front landscape setback, but in no case shall trash enclosures be located any closer than 10 feet to a residential district lot line or 5 feet to a commercial district lot line.

b. Accessory (maintenance or storage) buildings shall be built of the same materials as the main building (siding and roofing) so as to blend in with the entire project. Minimum setbacks to the front property line(s) shall be the same as the main building. Buildings adjacent to a side or rear property line (other than a street side of the property), which are built of one hour fire rated construction, can be considered an accessory structure and may be setback as close as three feet to a side or rear property line.

10. **Lighting.** All lighting for church buildings, parking lots, and accessory uses, if applicable, shall be downlit and minimize any adverse impact on adjacent residential areas.

B. **Ancillary Uses.**

1. Ancillary uses such as parks, ball diamonds, pavilions, etc. shall not count towards landscaping on the church site but shall stand alone and be considered as a separate site and subject to separate conditional use approval. Any such ancillary uses are subject to, but not limited to, the standards of this section (if applicable).

2. An on-site, church operated, day care will be considered a permitted ancillary use provided there is enough parking on-site to accommodate the number of children enrolled in the day care. The amount of parking is one space per instructor, plus drop off space. (Ord 10-43, Amended 12-14-2010)

C. **Procedure for Approval.**

1. Church facilities are conditional uses in all zones and as such require Planning Commission approval.

2. Upon receiving a conditional use approval from the Planning Commission, all church projects will proceed through the site plan review process with staff.

## 15A-11-19 Street Vendors

The following standards shall apply to all street vendors within Sandy City:

A. **Application**. Completed application and payment of a special use fee. The applicant must submit the special use application. Where Sandy City is not the property owner, a written agreement or approval from the public agency shall be submitted. When considered appropriate by the Director, a special use may be referred to the Planning Commission for review.

B. **Location Standards**.

1. Exact location of proposed vending cart. Must be within the CBD, CBD-O, CBD-P, CBD-A&C, HBD, RC, and the MU zone districts. Up to two locations are allowed with the same permit. If a second location is desired, the applicant must also submit the required information for each location. Each site will be evaluated on its' own merits. If a site is proposed near the South Towne Promenade, the Sandy City Parks and Recreation Department must review the site plan.

2. A site plan shall be submitted showing the size of the cart and the area wherein the activity will be conducted.

3. Location must not hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.

4. Must not be located within:
   A. Sixty (60) feet from any intersection or driveway,
   B. Ten (10) feet of any bus or transit stop,
   C. Ten (10) feet from any handicap parking space or access ramp,
   D. Ten (10) feet of any business entrance or display window,
   E. One hundred (100) feet from any restaurant entrance, and
   F. One hundred (100) feet from any other vending cart or like business.

5. If the desired location is on private property, the applicant shall comply with regulations for a Temporary Use Permit.

C. **Cart Design Standards**.

1. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.

2. Umbrellas or canopies shall not exceed sixty (60) square feet in area.

3. The mobile device or push cart shall not exceed three (3) feet in width and eight (8) feet in length, including the hitch.

4. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.

5. The mobile device or push cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary

power. The device or cart shall not be motorized so as to move on its own power.

6. Signage shall be allowed as part of the design of the cart itself or upon the canopy or umbrella.

D. **Operation Standards**.

1. Submit normal hours and schedule of operation.

2. Submit a plan to mitigate possible odors and other public nuisances.

3. Submit a sanitation plan to ensure the cleanliness of the area within a 50 foot radius of the approved location. This shall include providing a trash receptacle and cleaning the area of all trash and debris before the close of business each day. Sanitary facilities shall be available for waste disposal for protection of community health and safety (may be required to provide approval letter from adjacent business owner for use of restroom facilities).

4. Display Business License in a visible location on the mobile device or pushcart.

5. Submit a detailed list of items to be sold. Items that may be sold include things such as: food for immediate consumption (including beverages), inflated balloons, fresh cut flowers, periodicals, and apparel.

E. **Insurance**. Certificate of liability insurance in the amount of $2,000,000 from an insurance company naming the city as additional insured where the City or State is the owner of the property on which the permit is being requested.

F. **Business License**. Submit application for a Business License with the city and comply with all requirements to obtain a license.

G. **Health Department**. Comply with all regulations from the Salt Lake Valley Board of Health concerning Food Carts, Mobile Food Units, and Shave Ice Stands. Must provide a letter from the Health Department stating that the vending cart is approved for food preparation.

H. **Fire Marshal**. Comply with all regulations of the Sandy City Fire Marshal.

I. **Obstruction of Sidewalk**. Obey any lawful order of a law enforcement officer to move temporarily to a different location to avoid congestion or obstruction of the sidewalk or to remove the vending cart entirely from the sidewalk, if necessary.

J. **Review of Impacts**. This special use may be reviewed (by staff and/or Planning Commission) to determine if the any detrimental impacts and effects have been mitigated or eliminated to comply with the above regulations.

## 15A-11-20 Non-Depository Institutions

A. Non-Depository Institutions are permitted as a Conditional Use within the Central Business District (CBD), Regional Commercial (RC), Boulevard Commercial (BC), Community Commercial (CC), Neighborhood Commercial (CN), Commercial Planned Unit Development (CR-PUD), Industrial

(ID), and AutoMall Commercial (AM Commercial) zoning districts and subject to the following restrictions:

1. Shall not be located within 5,280 feet (one mile) of the same type of use inside or outside the Sandy City geographical boundaries. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.

2. Shall conform to the Architectural Design Standards as described in Appendix A of Title 15A, Land Development Code of Sandy City. In addition to these guidelines, the following will also be required:

   a. The color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part.
   b. At least twenty-five (25) percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.
   c. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
   d. The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.

3. Shall conform to the Sign Regulations as described in this Code.

4. Shall be limited to one non-depository institution per 10,000 in population to include all residents in Sandy City and the Salt Lake County unincorporated islands within the City's geographical boundaries. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

## 15A-11-21 Satellite Dishes

A. **Scope and Applicability.** Earth station regulations shall apply to earth stations with a dish diameter over 4 feet in size. Earth stations with a dish diameter under 4 feet in size shall be regulated in the same manner as television antennas.

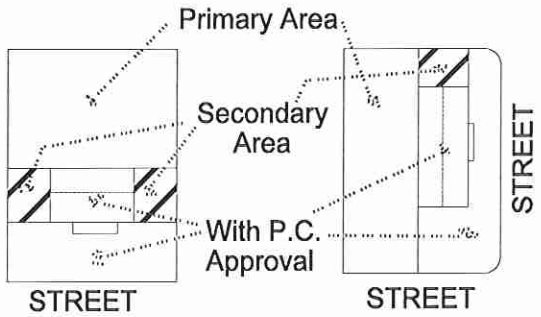
B. **Location.** Location of earth stations over 4 feet in diameter in residential districts:

1. **Ground Mounted in All Residential Districts**

   a. **Maximum Height**. Maximum height from grade to the top of the dish shall be 12 feet. Any ground mounted earth station with a height exceeding 12 feet shall be allowed only with a conditional use approval from the Planning Commission.

   b. **Number Per Lot**. A maximum of one earth station structure shall exist at any one time on any residentially zoned property.

   c. **Front Yard.** If there is no other alternative for the location, earth stations may be allowed in




the front yard area only with a conditional use approval from the Planning Commission.

(1) Setback maximums from the public street shall be determined by the Planning Commission.

(2) Applicants shall provide a site plan indicating the location of the earth station.

d. **Rear and Side Yards**. Earth stations shall be located in rear yards, where possible. If rear yards are not acceptable for proper reception of signals, the earth station may be located in either side yard.

e. **Corner Lots**. On corner lots, an earth station may be situated to the rear of the main dwelling and within the area between the main building and street when approved as a conditional use by the Planning Commission.

f. **Easements, Rights-of-Ways.** No earth station shall be located on any legally recorded public utility easement or right-of-way.

g. **Multi-Family**. One earth station shall be allowed per building. A second earth station may be allowed with conditional use approval from the Planning Commission.

2. **Roof Mounted in all Residential Zones**

a. **Approval**. If the rear and side yards are deemed unacceptable for suitable signal reception, then roof mounted earth stations may be permitted with conditional use review and approval from the Planning Commission. Such roof installations may be permitted by the Planning Commission under the following criteria:

(1) Roof mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.

(2) An earth station shall not exceed a height determined appropriate by the Planning Commission. The height of the structure shall not exceed the maximum height limits established within the zone in which the earth station is to be located.

(3) Evidence of wind loading and structural safety of the earth station shall be provided to

the Planning Commission by the applicants.

(4) An earth station mounted on a roof shall be located on the portion of the roof which is oriented to the rear yard rather than located on the portion of the roof visible from the street.

(5) Other criteria as deemed appropriate by the Planning Commission.

3. **Commercial Districts - Location of Earth Stations**, over 4 feet in diameter, in commercial and industrial districts.

a. **Ground Mounted in Commercial and Industrial Districts**

(1) **Maximum Height**. Maximum height from grade to the top of the dish shall be 15 feet. Any earth station with a height exceeding 15 feet shall be allowed only with conditional use approval from the Planning Commission.

(2) **Number Allowed**. Two earth station structures shall be permitted at any one time per separate commercial or industrial business. More than two earth stations may be permitted with conditional use approval from the Planning Commission.

(3) **Advertising**. No earth station shall display lettering or numbers for advertising purposes.

(4) **Rear and Side Yards**. An earth station in any commercial or industrial district shall be located in the rear or side yard area, if possible.

(5) **Front Yards**. An earth station may be located in the front yard provided the structure is not located in the minimum front landscape area, and the structure does not interfere with pedestrian or vehicular traffic.

(6) **Easements, Rights-of-Ways**. No earth station shall be located on any legally recorded public utility easement or right of way.

b. **Roof Mounted in all Commercial and Industrial Zones**

(1) **Approval**. If the front, rear, and side yards are deemed unacceptable for suitable signal reception or pose a negative aesthetic or neighborhood impact, then roof mounted earth stations may be permitted with conditional use review and approval from the Planning Commission. Such roof installations may be permitted under the following criteria:

(a) Roof mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles which exceed the minimum height of mast required to mount the antennae to the roof, spires, or similar structures.

(b) The height of a roof mounted earth station located in any commercial or industrial district shall not exceed 12 feet above the highest point of the roof upon which the

structure is located. Height increases over 12 feet may be approved by the Planning Commission as deemed appropriate. The roof mounted earth station shall not exceed the maximum height limits established within the zone in which the earth station is to be located.

(c) Other criteria as deemed appropriate by the Planning Commission.

(d) All roof mounted earth stations shall be screened from view from adjacent streets and properties in the same manner as is required of all other roof mounted equipment in this Code. Said station shall not significantly change the architectural character of the structure.

### 15A-11-22 Solar Equipment.

These regulations shall apply to all solar heating developments, private or public, to the extent that design review is not pre-empted by State or Federal law.

A. **Review and Standards**. All applications for building permits for structures with solar installations shall be forwarded to the Community Development Department for review and approval. The proposed installation will be reviewed to assure compliance with the following standards:

1. Collectors shall not reflect sunlight into neighboring windows.

2. The installation shall extend no higher than roof ridge line, or on a flat roof, a parapet wall.

3. The installation shall stand no more than 7 feet above the surface of the roof.

4. The color of collector frames shall be compatible with the roof.

5. The piping shall blend with the surface to which it is attached.

6. The ends of the panel arrays shall be covered and mounting brackets shall blend with the roof and not be visible from front yard.

B. **Planning Commission Review**.

1. If a review by the Planning Commission is considered necessary, the development shall be reviewed at a regularly scheduled meeting.

2. At the time of the meeting, the applicant shall provide the following:

   a. Site Plan.

   b. Drawings showing existing building elevations.

   c. Landscaping and screening plans.

   d The kind, color, and texture of materials to be used.

e. Any other pertinent information determined to be necessary by the Director.

3. The Planning Commission shall approve, approve with conditions, or deny the development or structure.

### 15A-11-23 Wind Conversion.

Wind energy conversion systems shall meet the following standards:

A. Minimum tower setback from any property line shall equal the height of the tower.

B. Towers shall meet main dwelling setbacks for the particular zone in which the tower is located.

C. There shall be sufficient safety measures to prevent the tower from becoming a climbing hazard.

D. The tower shall not be located on a utility easement or right-of-way.

E. In the case of joint ownership of a tower, the structure may be located on any lot(s) as approved by the Chief Building Official, provided the tower meets setback requirements mentioned above in respect to all perimeter properties.

F. The owner shall obtain a building permit and certification by a registered engineer as to the safety of equipment and installation.

### 15A-11-24 Wireless Telecommunications Facilities

A. **Purpose**. The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power wireless telecommunications services. This section establishes provisions that deal with issues of demand, visual mitigation, engineering, residential impacts, health, safety, and facility siting.

B. **Application**. The requirements of this section apply to both commercial and private telecommunications facilities. All telecommunications facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

C. **Telecommunication Facility Justification Study and Master Plan Required**. A master plan for each company shall be submitted. Additionally, a complete application and Telecommunication Facility Justification Study shall be submitted by each company for each proposed telecommunications facility. The Telecommunication Facility Justification Study and master plan shall be submitted to the Community Development Department, which will provide a preliminary review. Upon completion of the Community Development Department review, the Telecommunication Facility Justification Study and master plan will be scheduled with the Development Committee for further review and recommendation to the Planning Commission together with the complete application.

D. **Master Plan Requirements**. A master plan shall be completed by each company. The master plan shall show proposed locations of future telecommunication facilities and include the rationale for each potential telecommunication facility. Maps shall be utilized to graphically illustrate the coverage radius of each potential telecommunication facility.

E. **Telecommunication Facility Justification Study Requirements**. A Telecommunication Facility Justification Study shall be completed for each telecommunication facility. The Study shall include:

1. **Rationale**. The rationale for the selection of the proposed telecommunication facility in view of the relative merits of any feasible alternative telecommunication facilities within the search ring. The Telecommunication Facility Justification Study shall include a description of the telecommunication facility, a description of the telecommunications facilities proposed to be placed on the location with technical reasons for their design and efforts made to minimize impacts on the surrounding land uses, a listing of other telecommunication facilities within the search ring which were evaluated and a statement of reasons why the final location was chosen. Staff may request the search ring and propagation information for the proposed telecommunication facilities. The applicant shall justify that the telecommunications facilities comply with the General Plan, as well as the required setback, height and landscaping requirements of the zoning district in which they are proposed to be located.

2. **Co-location**. The Study shall also examine the potential for co-location at an existing or the proposed telecommunication facility. If co-location is not possible at an existing telecommunication facility, or if the proposed new telecommunication facility is not available for co-location, then the applicant shall include a written explanation why co-location is not possible.

3. **Height**. The height of the antennas and antenna support structures shall be justified through a detailed written analysis that explains in non-technical terms the reasons why service cannot be effectively provided unless at the requested height. If the proposed telecommunication facility is a roof mount or wall mount, the City may request that the Study verify that the existing or proposed screening will screen from view all telecommunications facilities .

4. **Equipment Facilities**. The Study must include a detailed, written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment facilities to be either:

   a. Located in an existing building; or

   b. Designed using stealth design technology, or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

5. **Visual Analysis**. The applicant shall submit a visual analysis, which may include photosimulation, field mock up or other techniques, which identifies the potential for visual impacts of the proposed telecommunications facility. The analysis shall consider views from public areas (streets, parks, etc) and from private residences. The analysis shall assess the cumulative impacts of the proposed telecommunications facility and other existing or approved telecommunications facilities in the area as provided by City staff and shall identify all mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility. All costs associated with this requirement are to be borne by the applicant.

6. **Independent Review**. The City may, if it deems necessary, cause each telecommunications facility to be reviewed by a qualified radio frequency engineer. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs shall be borne by the applicant.

F. **Permitted Uses**. The following telecommunications facilities are classified as permitted uses. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a Technical Necessity Exception from the Planning Commission.

All telecommunications facilities must comply with the General Plan as well as the required setback, height and landscaping requirements of the zoning district in which they are to be located and are subject to all provisions for site plan review including modifications to existing site plans.

All permitted use equipment facilities listed in this section must be located in an existing building or designed using stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

1. **City Property**. Telecommunications facilities located on City owned property are allowed as a permitted use provided the facilities meet the standards as specified for each type of facility as contained in this Section, and the facility owner has entered into a lease-type agreement with the City.

2. **Wall Mounted Antenna**. Wall mounted antennas which comply with the following standards are allowed as a permitted use:

   a. **Locations**. Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.

   b. **Mounting Method**. Wall mounted antennas shall not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.

   c. **Stealth Design**. Antennas, equipment facilities, and the antenna support structure shall be constructed with stealth design to match the color of the building or structure and to be architecturally compatible with the building or to match the color of the background against which they are most commonly seen.

3. **Roof Mounted Antenna**. Roof mounted antennas which comply with the following standards are permitted uses:

   a. **Locations**. Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.

   b. **Mounting Location**.

(1) Roof mounted antennas may be located on top of existing penthouses or mechanical equipment rooms provided the telecommunications facilities are enclosed by a structure that creates a visual screen. The screening structure and telecommunications facilities shall not extend more than 8 feet above the existing roofline of the penthouse or mechanical equipment room.

(2) For roof mounted antennas not mounted on a penthouse or mechanical equipment room, the telecommunications facilities shall be mounted at least 5 feet from the exterior wall of a building. For antennas mounted between 5 and 10 feet from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of 10 feet above the roofline of the building to which the antenna is attached.

(3) Telecommunications facilities shall be mounted at least 5 feet behind any parapet wall. For antennas mounted between 5 and 10 feet behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of 10 feet as measured from the top of the parapet wall.

c. **Screening**. Roof mounted telecommunications facilities shall be located only on a flat roof and shall be screened, constructed, and/or colored to match the structure to which they are attached. Roof mounted telecommunications facilities for pitched roofs must receive a Technical Necessity Exception.

d. **Area Limitations for Wall and Roof Mounted Antennas**. A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and antenna support structures combined shall not exceed 40 square feet for each exterior wall of the building or a total of 160 square feet per building per carrier. A maximum of four walls shall be occupied by antennas. The total area is the sum of the area of each individual antenna face and the visible portion of the antenna support structure and the equipment facility as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall. Up to three carriers may utilize each building side for a maximum of four sides as a permitted use.

4. **Co-location**. Co-location of antennas on an existing monopole is a permitted use provided the antennas do not extend more than 12 inches from the monopole and meet all the provisions as stated for landscaping, fencing and safety and equipment facilities.

5. **Stealth Design**. Telecommunications facilities that incorporate stealth design technology and are located on a parcel in a commercial, industrial, or professional office zone district or in a residential zone district containing a residential institutional use are a permitted use.

6. **Conversion**. Conversion of existing flagpoles, light standards, athletic field lights, or other similar structures provided the structure's height is not increased more than 10 feet or unless approved by the Community Development Director as provided for in modified site plan review as described in this Title are a permitted use.

7. **Utility Pole Antennas** . Utility pole antennas which comply with the following standards are permitted uses:

a. **Location**. Utility pole antennas may only be located on existing utility poles.

b. **Method of Mounting**. Such antennas shall be designed and installed by the applicant according to the City's specifications and details for utility poles.

c. **Agreement**. Consistent with the use of public rights-of-way by other utility and cable providers, each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in the rights-of-way. The Planning Commission shall review site plan conditions prior to the execution of the agreement.

G. **Technical Necessity Exception/Conditional Uses**. If an applicant cannot meet the standards for telecommunications facilities as provided for in 'F'- Permitted Uses for technical reasons, an applicant may request a Technical Necessity Exception under the conditional use process from the Planning Commission. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed. (Ord 10-44, Amended 12-14-2010)

Telecommunications facilities which meet the following standards, and it is determined by the Planning Commission that a Technical Necessity Exception is appropriate are conditional uses:

1. **General Plan Compliance**. Comply with the General Plan as well as the required setback, height, and landscaping requirements of the zoning district in which they are located.

2. **Technical Necessity**. An applicant cannot meet the standards for telecommunication facilities as provided in 'F' - Permitted Uses for technical reasons. (Ord 10-44, Amended 12-14-2010)

3. **Antennas in Multi-Family Zones**. Wall mount antennas, roof mount antennas, and stealth applications on structures containing 10 or more dwelling units and conversions are conditional uses which require a Technical Necessity Exception. Antennas on structures containing less than 10 units are not allowed. The antennas and their related antenna support structures and equipment facilities must meet the design standards for each respective telecommunications facility as referenced in 'F' - Permitted Uses. (Ord 10-44, Amended 12-14-2010)

4. **Monopoles** . Monopoles are not allowed in any zone within the City without a Technical Necessity Exception being granted by the Planning Commission. Following are the minimum standards for a monopole to qualify for a Technical Necessity Exception/Conditional Use. The Planning Commission may impose additional requirements pursuant to the conditional uses review standards in this Title.

   a. **Independent Review**. All applications requesting a monopole under the Technical Necessity Exception provision shall complete an independent radio frequency engineering review of the proposed monopole telecommunication facility in relation to the requested height, alternative locations, other proposed telecommunication facilities, and existing telecommunication facilities. The cost of the independent review shall be borne by the applicant.

   b. **Antenna Sizing**. The maximum visible width of antennas and antenna support structures on a monopole shall not exceed 8 feet in height or 3 feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna support structure. Top hat

design is not permitted.

c. **Location and Minimum Setbacks**. Monopoles shall be allowed only in the rear yard area of any commercial or industrial lot which contains a commercial or industrial use or City property. These structures shall not be located in a required landscaped area, buffer area or required parking area. No such antenna shall be located within 165 feet of a residential property line. However, the Planning Commission may reduce the required setback from a residential property line if practical difficulties are demonstrated by the applicant (e.g. City park location, public buildings, etc.)

d. **Height Limit**. Monopoles shall not project higher than 10 feet above the average building height to a maximum of 60 feet or, if there are no buildings within 300 feet, these facilities shall not project higher than 10 feet above the average tree canopy height to a maximum of 60 feet, measured from ground level.

e. **Landscaping, Fencing and Safety**. Monopoles shall, at minimum, be landscaped as per the requirements of the zoning district in which they are located. If there are no buildings immediately adjacent to the monopole and equipment facilities, all monopoles and equipment facilities shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted on subject property. The Planning Commission may require additional landscaping or fencing as part of the site plan approval. The climbing pegs shall be removed from the lower 20 feet of the monopole.

EXCEPTION: Monopoles may be allowed in PUD zones if the following conditions are met:

1. The PUD consists of at least 400 acres.
2. The monopole and equipment facility are placed in a open space or common area within the PUD.
3. The location must be in a mature landscape area to provide a screen and buffer. Alternatively, new landscaping must be provided around the proposed monopole or other types of screening that may be approved by the Planning Commission.
4. Any proposed location, including all leased area for the wireless facility, will no longer be considered open space. Therefore, any proposed location must not reduce the open space below the minimum acreage for the development.
5. The monopole and equipment facility must utilize stealth technology.
6. The monopole shall not project higher than 10 feet above the average building height or average tree canopy up to a maximum of 45 feet. The Planning Commission may increase the height beyond 10 feet above the tree canopy if it is determined that this will aid on compliance with stealth requirements. To provide for additional carriers, clustering of multiple poles of varying heights is encouraged.
7. No antenna shall be located within 165 feet of a residential property line or residence. However, the Planning Commission may reduce the required setback from a residential property line or residence if the applicant demonstrates that the proposed facility would follow the City's standards for stealth applications more closely or if they can demonstrate other practical difficulties.
8. The applicant must demonstrate a technical need (explained in simple terms) for the proposed monopole.

5. The applicant shall re-submit each telecommunication facility which has been granted a Technical Necessity Exception/Conditional Use for review 7 years to a maximum of 10 years from final approval as established by the Planning Commission. At the time of this review, the applicant shall provide information to show that the telecommunications facility is still necessary at the approved location, employs the most current available technological advances, and has been in compliance with all the requirements established by this ordinance and the Planning Commission.

6. In addition to conditional use standards outlined in this Title for conditional uses, the information concerning the following shall be submitted by the applicant and considered by the Planning Commission for all Technical Necessity Exception requests:

   a. Compatibility of the proposed telecommunications facilities with the height and mass of existing buildings and utility structures.

   b. Whether it is possible to locate the antenna on other existing structures with less aesthetic impact in the same vicinity such as other monopoles, buildings, utility poles, athletic field lights, parking lot lights, etc. without significantly impacting transmission or reception.

   c. The location of the telecommunications facilities in relation to existing vegetation, topography, and buildings to obtain the best visual screening.

   d. Whether the spacing between the proposed and existing telecommunications facilities creates detrimental impacts to adjoining properties.

   e. Substantial existing or proposed landscaping, including tree cover, to reduce visibility of telecommunications facilities.

   f. Whether the telecommunications facility complies with the General Plan, as well as the required setback, height, and landscaping requirements of the zoning district in which the telecommunications facility is proposed to be located and whether it complies with provisions as stated in the site plan review section of this Title, including modifications to existing site plans.

H. **Equipment Facilities**. All equipment facilities shall be located in an existing building or designed whereby the incorporation of stealth design technology or other screening is utilized that readily conceals the appearance of the equipment facility. All power lines on the lot leading to the telecommunication facility shall be underground. If the Planning Commission does not require the applicant to place the equipment facility underground or utilize stealth design technology, then the telecommunications facility shall be fenced with a 6 foot vinyl coated chain link fence or other fencing and landscaping as approved or required by the Planning Commission.

I. **Historic Districts**. Any telecommunications facility proposed for a location within a historic district or on a landmark site must be reviewed by the Planning Commission.

J. **Non-Allowed Uses**. The following telecommunications facilities are not allowed in any zone district:

1. Lattice towers.

2. Whip antennas on wall mounted support structures.

3. Any telecommunications facility not specifically listed in the permitted use subsection or not in compliance with the requirements for a Technical Necessity Exception/Conditional Use.

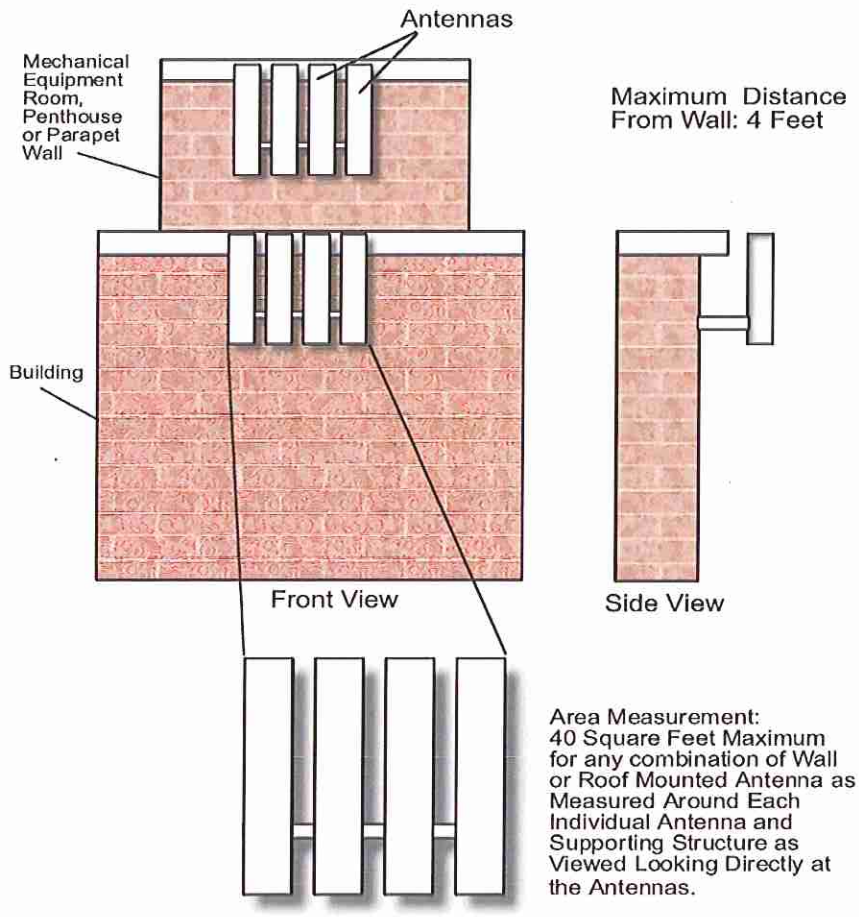
K. **Non-Maintained or Abandoned Facilities**. The Director may require each non-maintained or abandoned telecommunication facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within 30 calendar days after notice of non-maintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure. The City may require a Cash or Surety Bond to guarantee removal of the telecommunications facility to be submitted prior to final site plan approval or issuance of a building permit. The bond amount shall be determined upon review by the Community Development Department.

If the structure upon which the antenna is placed, including but not limited to utility pole, water tank, light pole or building is no longer used or is proposed by the owner or operator of that structure to be removed or replaced, the antenna must be removed within 90 calendar days after notice from the City. Any replacement telecommunication facility, if necessary, is required to comply with the requirements herein or any subsequent amendment hereto.

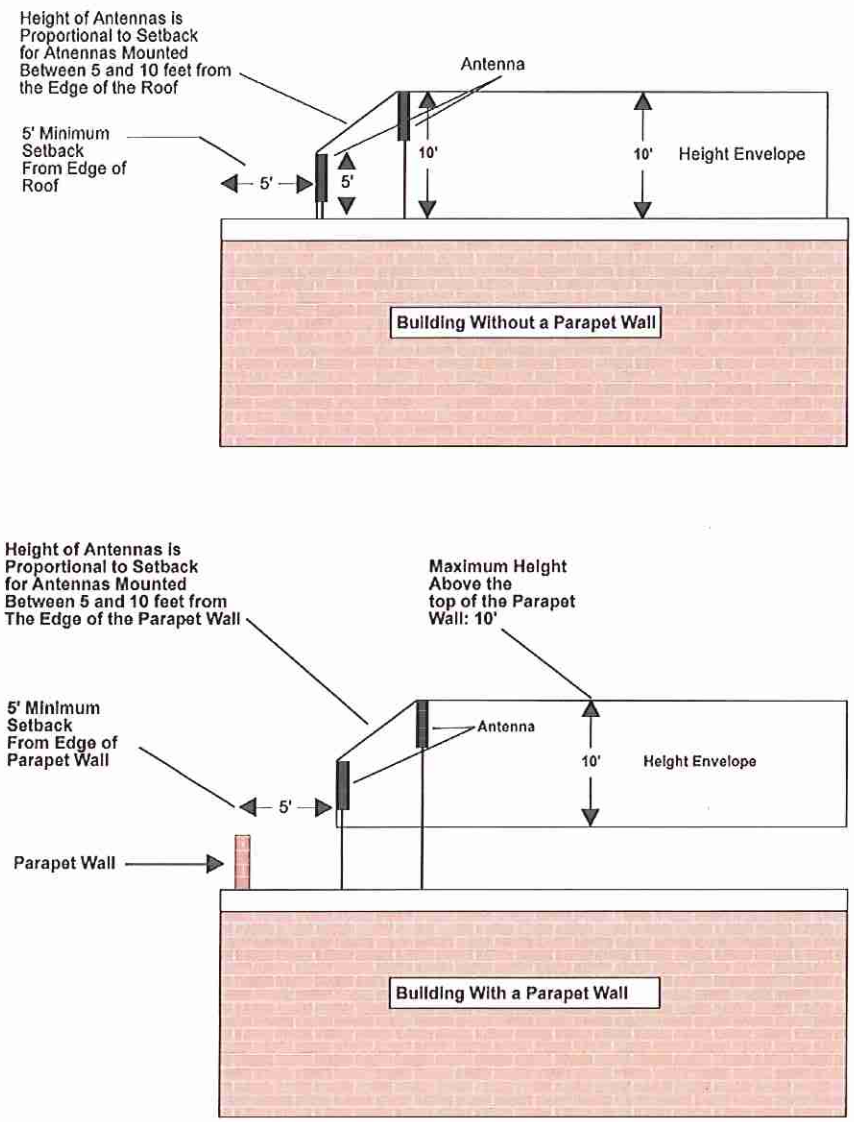
L. **Building Permits**. Prior to the construction of any telecommunications facility, the applicant shall obtain the proper building permits, road cut permits, and other permits as required by the Revised Ordinances of Sandy City (ROSC).

M. **Wireless Telecommunications Facilities Illustrations**

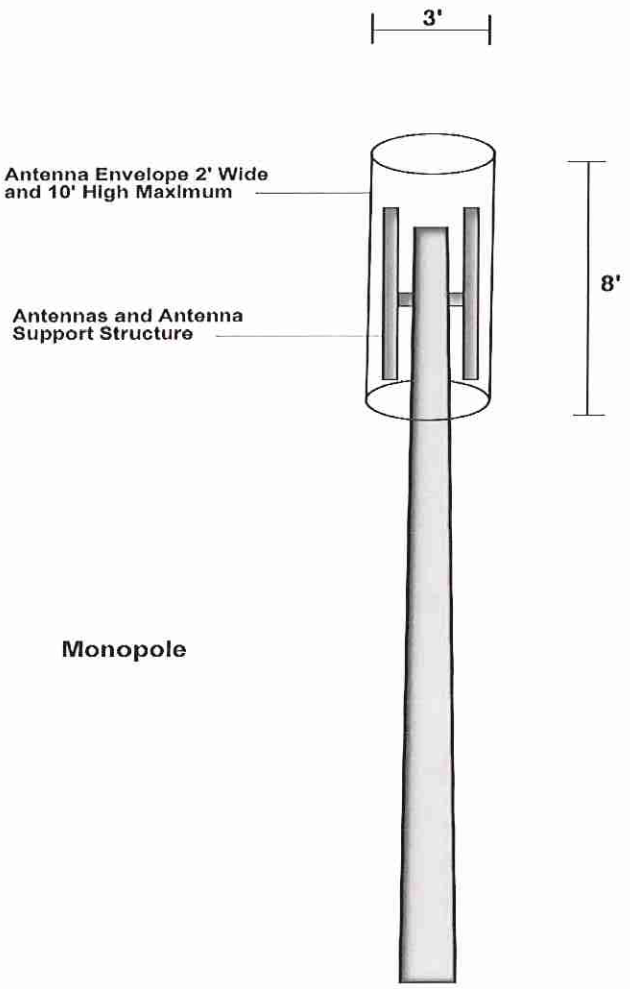
The following illustrations are referred to in this Chapter. They are meant to demonstrate graphically the intent of the ordinance.




**WALL MOUNTED ANTENNAS**




ROOF MOUNTED ANTENNAS




**MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURE LESS THAN 3 FEET IN WIDTH**