



SARATOGA  
SPRINGS

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1. 2020-3-3 Cc Agenda

Documents:

[2020-3-3 CC AGENDA.PDF](#)

2. 2020-3-3 Cc Packet

Documents:

[2020-3-3 CC PACKET.PDF](#)

3. 2020-3-3 Cc Approved Minutes

Documents:

[2020-3-3 CITY COUNCIL MINUTES APPROVED.PDF](#)



# AGENDA – City Council Meeting

Mayor Jim Miller  
Mayor Pro Tem Ryan Poduska  
Council Member Christopher Carn  
Council Member Michael McOmber  
Council Member Chris Porter  
Council Member Stephen Willden

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## CITY OF SARATOGA SPRINGS

Tuesday, March 3, 2020, 6:00 pm

City of Saratoga Springs Council Chambers

1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045

### POLICY MEETING

1. Call to Order.
2. Roll Call.
3. Invocation / Reverence.
4. Pledge of Allegiance.
5. Public Input – This time has been set aside for the public to express ideas, concerns, and comments for subject matter not listed on this agenda.

#### REPORTS:

1. Mayor.
2. City Council.
3. Administration: Ongoing Item Review.

#### BUSINESS ITEMS:

1. Library Board By-Laws and Code Amendment, Title 3.05.03; Resolution R20-12 (3-3-20), Ordinance 20-5 (3-3-20).
2. The Villages at Saratoga Springs (Fox Hollow) Neighborhoods 4, 12, 13, Rezone, General Plan Amendment, and Master Development Agreement Amendment, Neighborhood 4 Concept Plan Review, Chad Bessinger Applicant, ~3100 South Redwood Road; Ordinance 20-6 (3-3-20).
3. Code Amendments, Title 19, Conditional Use Permits; Ordinance 20-7 (3-3-20).

#### MINUTES:

1. February 18, 2020.

#### CLOSED SESSION:

Motion to enter into closed session for any of the following: purchase, exchange, or lease of real property; discussion regarding deployment of security personnel, devices, or systems; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.

#### ADJOURNMENT

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In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 801.766.9793 at least one day prior to the meeting.



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## Staff Report – City Council

Author: Melissa Grygla  
Department: Library  
Subject: Library Board Bylaws and Code  
Date: December 30, 2019  
Type of Item: Ordinance Modifying Title 3 and Resolution updating the Library Board Bylaws

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### Introduction:

The Library is recommending recusing the number of Library Board positions from 7 to 5, thereby reducing the number of members required to be in attendance for a quorum from 4 to 3. This change would allow the Library Advisory Board to continue to function and meet the requirements as outlined in the Library Advisory Board's Bylaws.

It is the purpose to clarify, update the membership and expectations of the Library Advisory Board in the Municipal Code. The last update to this section of code was made in 2013.

### Background:

The Saratoga Springs Library Advisory Board was originally established to help support and open the library. Within the last several months, we have revised the library board bylaws to reflect our individual board, including the individual roles and responsibilities as well as the meeting schedule. The library board was initially established as a 7 member board, it is our recommendation at this time that we consider reducing the number of members to 5.

### Budget Impact:

There are no anticipated funding impacts of changing the Library Advisory Board Bylaws and the Municipal Code it references.

### Department Review:

Library, Attorney, City Manager

### Alternatives:

**Approve the request:** Staff recommends that the City Council approve the ordinance modifying Title 3 and the resolution updating the Library Advisory Board Bylaws.

**Deny the request:** The City Council could deny the request for the approval of the revisions to the Library Advisory Board Bylaws. A recruitment would then be opened for the vacant Library Board member position and further direction would be needed to determine how committee members may be removed.

**Continue the Item:** The City Council Could continue the request until a later date and time, the result being that the Library Advisory Board may not have a quorum in attendance at future meetings and recruitment would need to be opened for the vacant position.

**Recommendation:**

Staff recommends that the City Council approve the ordinance modifying Title 3 and the resolution updating the Library Advisory Board Bylaws.

**Attachments:**

December 2019 Library Advisory Board Bylaws

Ordinance No. 20-5 (3-3-20).

Resolution No. R20-12 (3-3-20).

**Bylaws of the Saratoga Springs Public Library Advisory Board**

Revised ~~February 2016~~December 2019

**Establishment and Name of the Library Board**

The Saratoga Springs Public Library Advisory Board (hereinafter “Library Board”) was established for the purpose of enhancing the community’s education, cultural, and personal interests.

**Regular Meetings**

The regular meetings of the Library Board shall be on the days specified in the Library Boards regular meeting schedule as adopted on an annual basis per state law. Regular meetings at a time and location established on the regular meeting schedule as adopted on an annual basis per state law. Any regularly scheduled meeting may be cancelled by the chairman at any time due to extenuating circumstances such as lack of quorum, emergencies, or lack of business to conduct.

The meetings shall be open to the public and noticed in advance. At the beginning of each fiscal year, the Library Board shall specify regular meeting dates and times. The Library Director shall work with the City Recorder to ensure that (1) the local newspaper is informed of the scheduled regular meetings of the Library Board for the ensuing fiscal year, (2) the schedule of meetings is posted in the principal offices of the Library Board, and (3) the schedule of the meetings is posted on the Utah Public Notice Website. Notices shall have dates, times, and places of such meetings.

These meetings are held in accordance to the Utah Open and Public Meetings Act (“OPMA”), UCA 52-4-101 *et seq.* At this time the Library Board chooses not to hold electronic meetings in accordance with UCA 52-4-207; however, if in the future the Library Board decides to hold electronic meetings, it will do so in accordance with the OPMA.

The agenda and/or information packet for the meetings will be distributed by the Library Board Secretary at least 24 hours prior to meetings, or as otherwise allowed by the OPMA. Any Library Board member wishing to have an item placed on the agenda must contact the Library Board Secretary in sufficient time preceding the meeting to have the item placed. Any Library Board member who is unable to attend a meeting will notify the Library Director to indicate that he or she will be absent. Due to the fact that a quorum is required for each meeting, this notice should be given as far in advance as possible.

**Special Meetings**

Special Library Board meetings shall be held at any time when called by the Chair or Vice Chair, if representing the Chair, or by any three Library Board members, provided that notice with the agenda of the special meeting is given at least 24 hours in advance, except for emergency meetings as provided for in OPMA § 52-4-202, to Library Board members and provided to, but

not published, to a newspaper of general circulation in the City. No business except that stated in the notice and agenda shall be transacted. Notice and agenda shall be posted 24 hours in advance in the City Building except as otherwise allowed for emergency meetings under the OPMA.

### **Annual Meeting**

An annual Library Board meeting shall be held in July for the purpose of hearing the annual reports of the Librarian and committees. The report should include a summary of the previous fiscal year's work to date with a detailed account of the receipts and expenditures, a budget for the following year, and other information according to statute. A copy of this report shall be forwarded to the Utah State Library in accordance with the law. A copy should also be on file in the library or on the library website.

### **Quorum**

A quorum at any meeting shall consist of a majority of the Library Board members.

### **Library Board Responsibilities**

The Library Board is charged with the responsibility of the governance of the library and shall establish policies, rules and regulations for governing the library's operations.

The position of a member shall become vacant upon such member's ceasing to meet the Membership requirements. The position of a member shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the members of the vote of the Library Board. A vacancy occurring other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments as provided in this ordinance § 3.05.03-15.b. of the City Code.

Library Board members are not to be compensated pursuant to City ordinances, but may be reimbursed for necessary and related expenses pursuant to City policies. To be effective, Library Board members must attend most meetings, read materials presented for review, and actively contribute to board meetings and projects.

It is the goal of the Library board to have each member attend a minimum of one Library System (or other library related) workshop, seminar, or meeting during each calendar year. The Library Director will make the dates of these workshops known to the Library Board in a timely manner. Library Board members using their own vehicle will be reimbursed at the rate allowed pursuant to City policy for travel to and from any Library System (or other library related) workshop, seminar, or meeting. All training, workshops, seminars, or meetings will be paid for in accordance with City policies through the library budget.

The Library Board, or designee may make such verbal or written reports and recommendations to the City Council as may be deemed advisable, but shall, at a minimum report annually to the Council as to the status of library services and facilities being made available to the residents of the City.

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Library Board members are not exempt from late fees, fines, or other user fees.

### **Library Board Membership**

The Library Board should consist of ~~seven~~ five members who reside in Saratoga Springs appointed by the Mayor, with the advice and consent of the City Council, ~~from the residents of Saratoga Springs or surrounding cities~~. A Library Board member shall serve a three-year term, expiring the 30<sup>th</sup> day of June at the end of each term, and may be reappointed for two (2) consecutive terms subject to the discretion of the Mayor, with the advice and consent of the City Council.

A representative of the Friends of the Library may serve as an ex-officio member of the Library Board. The Library Director, or designee shall attend meetings of the Library Board but does not serve as a voting member of the Library Board.

~~A Library Board member may be removed by~~ a majority vote of the quorum at a regular Library Board meeting, the Library Board may make a formal recommendation to the Mayor for the removal of a Library Board member pursuant to § 3.05.02-~~14~~ of the City Code. Removal would be based on lack of attendance at Library Board meetings, behavior or statements detrimental to the Library Board, or failure to declare conflicts of interest.

### **Officers and Elections**

The officers of the Library Board shall be a Chair, Vice-Chair, and Secretary. These officers shall be elected by a majority vote of Library Board members for one year term at the regular meeting in the month of ~~May~~ July. In the event of a resignation of an officer, an election to fill the unexpired term of that officer will be conducted by vote at the next regular Library Board meeting.

Chair. The chair shall preside at all Library Board meetings, appoint all standing and special committees, serve as ex-officio member of all committees, and perform all other such duties as may be assigned by the Library Board. ~~The chair or designee shall be the only spokesperson for the Library Board in all advisory or disciplinary action directed to the staff.~~

Vice-Chair. The Vice-Chair, in the absence of the Chair, shall assume all duties of the Chair.

Secretary. The secretary shall keep minutes of all board meetings, record attendance, record a roll call on all votes (except when a ballot vote is taken). The secretary shall perform all other such clerical duties as may be assigned by the Board.

### **Special Committees**

Special committees may be appointed by the Chair, with the approval of the Library Board at a regular meeting, to present reports or recommendations to the Library Board and shall serve until completion of the work for which they were appointed.

### **Parliamentary Procedure**

The Library Board shall adopt a set of parliamentary procedures.

### **Amendments**

Amendments to these Bylaws and changes to library policies or any other procedural document may be proposed at any regular meeting of the Library Board and will become effective when adopted by a majority of those members present providing they represent a quorum. All amendments must be consistent with City policies and procedures, the City Code (including § ~~3.06.03~~05.03), and Utah State law.

**RESOLUTION NO. R20-12 (3-3-20)**

**A RESOLUTION ADOPTING LIBRARY BOARD  
BYLAWS, TO ESTABLISH PROCEDURES  
REGARDING PUBLIC MEETINGS AND THE  
CONDUCT OF MEMBERS OF THE LIBRARY  
BOARD; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the Library Board is authorized by law to propose bylaws, to govern the conducting of public meetings of the Library Board and to govern the conduct of its members; and

**WHEREAS**, Section 3.06.03 of the City Code provides that the Library Board serves in an advisory capacity to the City Council and;

**WHEREAS**, the Library Board wishes to establish bylaws, to govern the conducting of Library Board meetings and the conduct of its members.

**WHEREAS**, on February 18, 2020, the City Council met in regular session to discuss, among other things, the proposed Bylaws of the Saratoga Springs Public Library Advisory Board (“Bylaws”) attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Saratoga Springs, Utah, that the Bylaws attached hereto as Exhibit A and incorporated herein by this reference are hereby adopted to govern the conduct of Library Board meetings and the conduct of Library Board members.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon passage.

Passed on the 3<sup>rd</sup> day of March, 2020.

\_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
Cindy LoPiccolo, City Recorder

**EXHIBIT A**

**Proposed Bylaws (attached hereto)**

**Bylaws of the Saratoga Springs Public Library Advisory Board**

Revised ~~February 2016~~December 2019

**Establishment and Name of the Library Board**

The Saratoga Springs Public Library Advisory Board (hereinafter “Library Board”) was established for the purpose of enhancing the community’s education, cultural, and personal interests.

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The meetings shall be open to the public and noticed in advance. At the beginning of each fiscal year, the Library Board shall specify regular meeting dates and times. The Library Director shall work with the City Recorder to ensure that (1) the local newspaper is informed of the scheduled regular meetings of the Library Board for the ensuing fiscal year, (2) the schedule of meetings is posted in the principal offices of the Library Board, and (3) the schedule of the meetings is posted on the Utah Public Notice Website. Notices shall have dates, times, and places of such meetings.

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### **Amendments**

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**ORDINANCE NO. 20-5 (3-3-20)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS,  
UTAH, ADOPTING AMENDMENTS TO CHAPTER 3.05 OF  
THE SARATOGA SPRINGS CITY CODE AND  
ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, on September 6, 2011, pursuant to Utah Code § 10-3-707, the City Council of the City of Saratoga Springs, Utah codified ordinances previously adopted; and

**WHEREAS**, pursuant to authority granted in Utah Code Annotated § 10-3-701 et seq., the City Council for the City of Saratoga Springs may adopt and amend laws, ordinances, regulations, and codes that comprise the regulatory, penal ordinances, and administrative ordinances of the City of Saratoga Springs; and

**WHEREAS**, the City Council has reviewed the City Code and finds that further amendments to the Code are necessary to accomplish the purposes in Utah Code Annotated § 10-3-701 et seq.; and

**WHEREAS**, the City Council has determined that it is in the best interest of the public health, safety, and welfare that the attached modifications and amendments to the City Code be adopted.

**NOW THEREFORE**, the City Council of the City of Saratoga Springs, Utah does hereby ordain as follows:

**SECTION I – ENACTMENT**

The amendments to Chapter 3.05 of the City Code attached as Exhibit A, incorporated herein by this reference, are hereby enacted.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710–711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 3<sup>rd</sup> day of March, 2020.

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
Cindy LoPiccolo, City Recorder

**VOTE**

Ryan Poduska \_\_\_\_\_  
Michael McOmber \_\_\_\_\_  
Chris Porter \_\_\_\_\_  
Stephen Willden \_\_\_\_\_  
Chris Carn \_\_\_\_\_

## Chapter 3.05. Boards and Committees.

### Section:

#### 3.05.03. Library Advisory Board.

#### 3.05.03. Library Advisory Board.

1. **Created.** The Saratoga Springs Library Advisory Board is hereby created.
2. **Purpose.** The Library Board shall serve in an advisory capacity to the City Council and shall also coordinate with, and provide input to, the Utah State Library Division and local library officials.
3. **Membership.** There shall be ~~seven~~five members of the Library Advisory Board.
4. **Appointment.** The members of the Library Board shall be appointed by the Mayor, subject to the advice and consent of the City Council.
5. **Terms of Office.**
  - a. Library Board members shall serve three-year terms. To allow for the staggering of terms for the initial Library Board and appointment or reappointment, as appropriate, the ~~initial~~ terms shall be as follows: two members for a term of three years, ~~three~~two members for terms of two years and ~~two~~one members for ~~term a~~terms of one year. Terms shall expire the 30th day of June.
  - b. The position of a member shall become vacant upon such member's ceasing to meet the Membership requirements. The position of a member shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the members of the board. A vacancy occurring other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments as provided in this ordinance.
6. **Rules of Procedure.** The Library Board shall elect its own Chairperson and may create and fill such other offices as may be determined to be required. A majority of the membership of the Library Board shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present, when those present constitute a quorum, at any meeting of the Library Board is authorized to adopt the rules of procedure for the conduct of its business.
7. **Compensation.** Members shall serve without compensation but may be reimbursed for reasonable expenses pursuant to City ordinances and policies.
8. **Meetings.** The Library Board shall hold such meetings as may be deemed to be necessary for the completion of its responsibilities. The Library Board is authorized to hold

meetings in conjunction with the Utah State Library Board its officials, and other local library officials.

9. **Reports to the City Council.** The Library Board, or theirits Ddesignee, may make such verbal or written reports and recommendations to the City Council as may be deemed advisable, but shall, at a minimum report annually to the Council as to the status of library services and facilities being made available to the residents of the City.

10. **Legal Compliance.** The members of the Library Board will fully comply with all federal and state laws and local ordinance.

(Ord. 13-17; Ord. 11-9; Ord. 10-10)



**Rezone, General Plan Amendment, and MDA Amendment  
Neighborhood 4 Concept Plan Review  
The Villages at Saratoga Springs (Fox Hollow), Neighborhoods 4, 12, and 13  
Tuesday, March 3, 2020  
Public Meeting**

Report Date:	Monday, February 24, 2020
Applicant:	Chad Bessinger
Owner:	SCP Fox Hollow, Cardinal Land Holdings
Location:	Fox Hollow, Neighborhoods 4, 12, 13 (~3100 South Redwood Road)
Major Street Access:	Redwood Road, Village Parkway, Wildlife Blvd, future Foothill Blvd
Parcel Number(s) & Size:	Several parcels within Fox Hollow – see exhibits
Parcel Zoning:	R-1-10 PUD and RC
Adjacent Zoning:	R-1-10 PUD
Current Use of Parcel:	Undeveloped
Adjacent Uses:	Single-family lots, church, school, future park, undeveloped
Previous Meetings:	MDA reviewed by PC and CC in 2013
Previous Approvals:	MDA approved by City Council 4-16-13, plus subsequent amendments
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	None
Author:	Sarah Carroll, Senior Planner

**A. Executive Summary:**

This is a request for a Master Development Agreement Amendment to “The Village at Saratoga Springs (Fox Hollow) Second Master Development Agreement” (MDA) to modify land uses and zoning in several neighborhoods within the Fox Hollow Development as outlined in Section C of this report and in the attachments. This is also a request for feedback on the Neighborhood 4 concept plan.

**Recommendation:**

**Staff recommends that the City Council conduct a public meeting, review and discuss the proposal, and choose from the options in Section “H” of this report.** Options include approval with conditions, denial, or continuance. The Neighborhood 4 concept plan requires an informal review for feedback purposes.

**B. Background:**

A similar request was discussed by the Planning Commission and City Council in 2017; however, at that time the Foothill Blvd alignment, width, and access points/types had not yet been determined and the City Council did not want to impact the future corridor. The attached exhibits include the Foothill Blvd alignment that has since been approved. During previous discussions there was mixed feedback on how much commercial should be moved to the west. The previous request was to move 14 of the 20 acres of

commercial to the west. Some of the feedback supported a 50/50 split and suggested moving 10 acres of commercial to the west which matches the current proposal. Minutes from the 2017 work session are attached.

**C. Specific Request:**

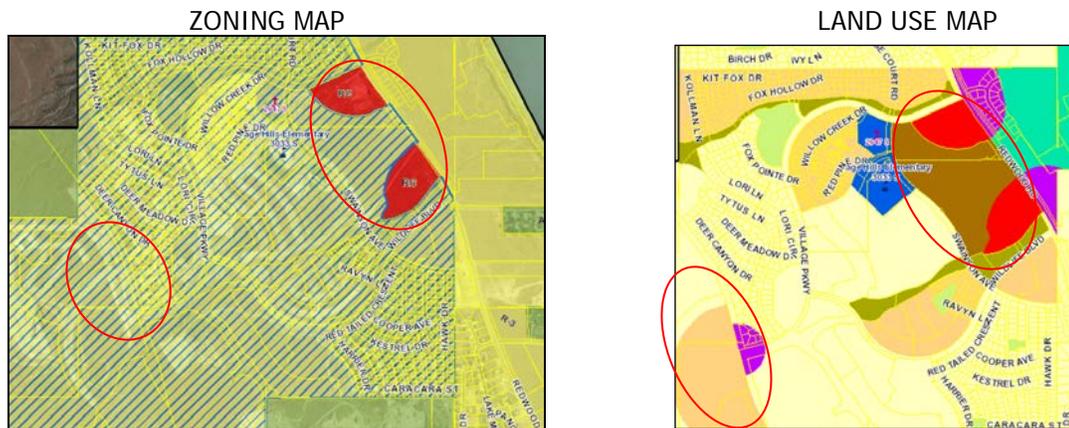
The applicant is requesting an MDA amendment, rezone, general plan amendment, and review of the Neighborhood 4 Concept Plan.

The existing MDA requires 20 acres of commercial development in Neighborhood 4 and restricts the commercial development to 5 acres of Regional Commercial and 15 acres of Neighborhood Commercial. When the agreement was entered, the Community Commercial zone did not yet exist and has since been created for locations such as this.

The applicant is requesting that they retain 10 acres of commercial in neighborhood 4 and that it be zoned Community Commercial. This results in an increase of the R-1-10 PUD zoning, but they are not requesting an increase in units. They are proposing to stick with the 335 units that was previously approved, which results in a decrease in density from 9 units per acre to 7.59 units per acre (335 units/44.15 acres = 7.59).

Neighborhood 13 is adjacent to the future Foothill Boulevard Freeway and is currently zoned R-1-10 PUD and allows for 125 units at 6 units per acre. The application is proposing to replace this with 10.76 acres of Community Commercial zoning.

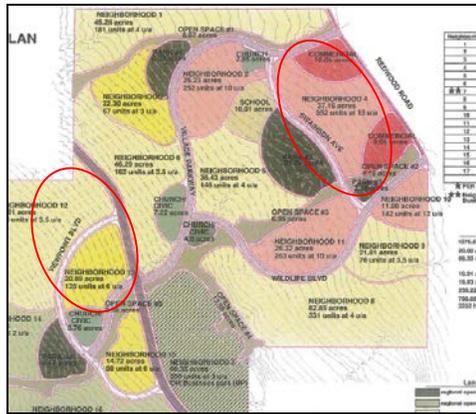
The land use map would also be amended to match these requests. Neighborhood 4 is proposed to be amended from Regional Commercial and High Density Residential to 10 acres of Community Commercial with the remainder as High Density Residential. The land use map for Neighborhood 13 would be amended from Medium Density Residential to Community Commercial.



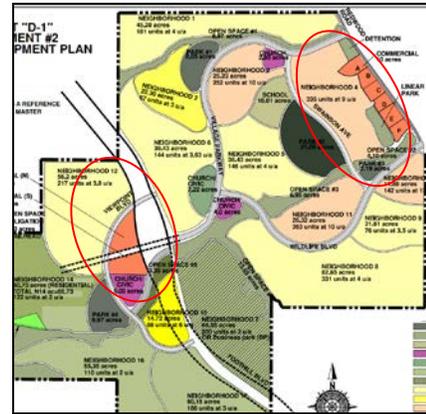
**Density Summary:**

- Neighborhood 4: The density would decrease from 9 units per acre to 7.59 units per acre. The applicant is proposing the same number of units (335) over increased residential acreage.
- Neighborhood 12: The acreage has decreased due to the Foothill Boulevard Freeway. The applicant proposes the same number of units (217), which results in a slight increase in density from 3.5 to 3.86 units per acre; removing units from the Freeway corridor.
- Neighborhood 13: The applicant proposes eliminating 125 units and proposes 10.76 acres of Community Commercial zoning.

MDA EXHIBIT D-1



PROPOSED D-1



**D. Process:**

**MDA Amendment:** Section 19.13.04 indicates that an MDA amendment requires approval by the City Council.

**General Plan Amendment and Rezone:** Section 19.13.04 indicates that a public hearing and recommendation is required by the Planning Commission and the City Council makes the final decision.

**Concept Plan in a PUD:** Requires Planning Commission and City Council feedback if variations are requested. The proposed concept plan indicates lots that vary from the R-1-10 base standards. This is allowed within a PUD due to the approved density.

**E. Community Review:**

Prior to the public hearing with the Planning Commission, the request to amend the General Plan and Zoning Map was noticed as a public hearing in the *Daily Herald*, posted on the Utah public notice website, and mailed notice sent to all property owners within 300 feet of the subject neighborhoods. The MDA amendment does not require public notices.

The Planning Commission held a public hearing on February 13, 2020 and the Planning Commission forwarded a positive recommendation. One resident provided public input and stated that they do not want to see increased density. It was explained that this request will reduce the overall density within the Fox Hollow MDA.

**F. General Plan:**

The Proposed MDA Amendment includes a request to amend the General Plan.

The General indicates Regional Commercial in the corners of N4. This is not possible since both corners have detention basins. The applicant proposes 10 acres of Community Commercial along Redwood Road. This is a much more realistic location, as these lots will have frontage on Redwood Road and the existing regional detention basins will not interfere. The Community Commercial land use and zone did not exist when the original MDA was executed. This land use is intended to allow for appropriately sized commercial next to residential.

N13 is proposed to be amended from Medium Density Residential to Community Commercial. The proposed location is just west of the future Foothill Boulevard, near the future off-ramps.

Staff finding: If the proposed changes are approved, the requested zones would be consistent with the General Plan. A General Plan Amendment is a legislative decision and the criteria for an amendment are reviewed in Section H of this report.

**G. Code Criteria:**

**Master Development Amendment:**

According to 19.13.04, the proposed amendment request requires City Council approval.

*Staff finding: consistent. The request will be scheduled for review by the City Council. This request reduces the overall density by 125 units, slightly increases the commercial acreage (by 0.76 acres), and does not impact the open space in the MDA.*

**General Plan Amendment and Rezone:**

Zoning Map and General Plan Amendments are a legislative action; therefore the City Council has significant discretion in making decisions to amend the land use and rezone property. The criteria in Section 19.17.04, outlined below, are not binding and may act as guidance in making a rezone decision:

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. the proposed change will conform to the Land Use Element and other provisions of the General Plan;
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

Findings for either approval or denial are outlined in section H of this report.

**H. Recommendation and Alternatives:**

**Option 1 – Approval**

"I move that the City Council approve the proposed Master Development Agreement Amendments, Rezones and General Plan Amendments for Fox Hollow Neighborhoods 4, 12, and 13 as described in Section C of this report and as depicted in the attached exhibits, with the findings and conditions below."

**Findings:**

1. The request is for a rezone and general plan amendment. If the proposed General Plan Amendment is approved, the proposed zoning will be consistent with the Land Use Map of the General Plan.
2. The proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public because it more clearly designates the commercial areas within the Fox Hollow development prior to development of these neighborhoods and places commercial development adjacent to large capacity roadways.
3. The proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City so long as appropriate conditions are in place to ensure access, infrastructure, layout and appearance, traffic mitigation, trail connectivity, and other code

compliance. These items will be reviewed further with each individual subdivision and site plan application for compliance with the Land Development Code.

- 4. In balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change because this will preserve future commercial areas within the City which will be a benefit to the community at buildout.

**Conditions:**

- 1. Any conditions as articulated by the City Council: \_\_\_\_\_

**Concept Plan Review:**

- Variations are proposed and will be specifically identified with the Preliminary Plat application.
- Public and Private roads shall be identified and shall comply with City standards and specifications.
- The concept plan indicates 337 units; this shall be reduced to 335 units to comply.
- The HOA recommends that each of the units have full length driveways to help avoid parking issues within the community. There may be other ways to address this concern such as additional guest parking or larger garages.

**Option 2 – Denial**

"I move that the City Council deny the proposed Master Development Agreement Amendments, General Plan Amendments, and Rezones for Fox Hollow Neighborhoods 4, 12, and 13, based on the Findings below:"

- 1. The amendment is not consistent with the General Plan, as articulated by the City Council: \_\_\_\_\_, and/or,
- 2. The amendment is not consistent with Section [19.XX] of the Code, as articulated by the City Council: \_\_\_\_\_, and/or
- 3. The amendment does not comply with the Second MDA, as articulated by the City Council: \_\_\_\_\_.
- 4. Any other findings as articulated by the City Council: \_\_\_\_\_

**Option 3 - continuance**

"I move to **continue** the item to another meeting, with direction to the applicant and Staff on information and/or changes needed to render a decision as to whether the application meets the requirements of City ordinances, as follows:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**I. Exhibits:**

- A. Proposed MDA Amendment
- B. Proposed Exhibit D
- C. Existing Exhibit D-1
- D. Proposed Exhibit D-1
- E. Neighborhood 4 Concept Plan
- F. 2017 Work Session Minutes
- G. 2/13/2020 Draft Planning Commission Minutes

**EXHIBIT A: PROPOSED MDA AMENDMENT**

**FOURTH AMENDMENT TO THE VILLAGES AT SARATOGA  
SPRINGS  
(FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT**

This FOURTH AMENDMENT TO THE VILLAGES AT SARATOGA SPRINGS (FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT ("**Amendment**") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2020 by Cardinal Land Holdings IV, LLC, a Delaware limited liability company and SCP FOX HOLLOW, LLC, a Utah limited liability company ("**Developers**") and the City of Saratoga Springs, a Utah municipal corporation ("**City**"). Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Second MDA (as defined below).

**RECITALS**

A. WHEREAS, Developers and the City, among other parties, are parties to that certain The Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement, dated April 30, 2013 and recorded on June 20, 2013 as Entry Number 59718:2013 in the offices of the Utah County Recorder (the "Second MDA") and subsequent amendments.

B. WHEREAS, Developers are the only owners of Neighborhood 4 ("N4"), Neighborhood 12 ("N12"), and Neighborhood 13 ("N13") within the development known as The Villages at Saratoga Springs in Saratoga Springs, Utah ("Property").

C. WHEREAS, Developers and City desire to amend the Second MDA and subsequent amendments as set forth below.

**AGREEMENT**

NOW THEREFORE, for valuable consideration received, the receipt and sufficiency of which is hereby acknowledged by all parties, Developers and the City do hereby covenant and agree as follows:

1. Master Plan Development Exhibit "D-1". Exhibit D-1 of the Second MDA and subsequent amendments is hereby amended and restated as attached hereto.
2. Zone Classification Modification. The Second MDA and subsequent amendments are hereby amended as follows:
  - a. Neighborhood No. 4. N4 will include only one Commercial area 10.0 acres in size as depicted on the attached and amended Exhibit D-1. One hundred percent of the Commercial acreage within N4 shall be classified as Community Commercial (CC).
  - b. Neighborhood No. 13. Previously designated a medium residential zone, N13 shall now include 10.76 acres of Commercial Area. One hundred percent of the Commercial acreage within N13 shall be classified as Community Commercial (CC) as depicted on Exhibit D-1.
3. Unit Summary Modification. Exhibit "D" and Exhibit "D-1" of the Second MDA and subsequent amendments is hereby amended as follows:
  - a. Neighborhood No. 13. As more fully shown on Exhibit D-1, the approximate area of N13 decreased from 20.89 acres to 10.76 acres as a result of a future interchange of the Foothill Boulevard Freeway. The maximum number of units allowed for N13 is decreased from one hundred twenty-five (125) units to zero (0) units as a result of the

Neighborhood being converted to a Commercial Area. The density is null.

- b. Neighborhood No. 12. Due to the location of the Foothill Boulevard Freeway, the approximate area of N12 decreased from 63.81 acres to 56.2 acres. The maximum number of units allowed for N12 remains at two hundred seventeen (217) units per the First Addendum to the Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement and the density has increased to 3.86 units per acre as more fully shown on Exhibit D and D-1.
4. Terms and Conditions. The above mentioned are the only changes to the MDA—all remaining terms and conditions shall remain the same.
5. Incorporation by Reference. The terms of the Second MDA (as amended hereby) are incorporated herein by reference.
6. Counterparts. This Addendum may be executed and delivered (electronic or otherwise) in two counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
7. Ratification. Except as set forth herein, all of the terms and conditions of the First and Second MDA are hereby ratified and confirmed.
8. Enactment. The property described in the attached Boundary Description is subject to this fourth amendment.

[End of Amendment. Signature Page Follows.]

WHEREFORE, this Amendment has been executed by Developer and the City effective as of the date first set forth above.

**CITY OF SARATOGA SPRINGS**

\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

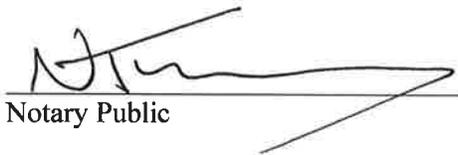
**CARDINAL LAND HOLDINGS IV, LLC**



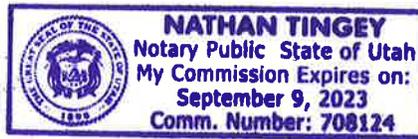
By: Ed Bailey  
Its: Manager

State of Utah                    )  
  :SS  
County of Salt Lake         )

On this 24 day of Feb, ~~2019~~<sup>2020</sup> personally appeared before me of satisfactory evidence, Ed Bailey, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the Manager of Cardinal Land Holdings IV, LLC, a Delaware limited liability company, and said document was signed by him on behalf of said company by proper authority, and he acknowledged to me that said company executed the same.



Notary Public





**EXHIBIT D AMENDED**

**UNIT SUMMARY**

<b>Neighborhood</b>	<b>Maximum Number of Units (1)</b>	<b>Maximum Density (Units/Acre) (1)</b>	<b>Approximate Area</b>
No. 1	27	4.0	6.75
No. 4	335	<del>9.0</del> 7.59 (2)	<del>37.16</del> 44.15
No. 5	146	4.0	36.43
No. 6	144	3.5	39.43
No. 7	200	3.0	66.55
No. 8	165	4.0	41.55
No. 10	142	12 (2)	11.88
No. 11	226	10 (2)	16.53
No. 12	217	<del>3.5</del> 3.86	<del>63.81</del> 56.2
No. 13	<del>125</del> 0	<del>6.0</del> 0	<del>20.89</del> 10.76
No. 14	122	2.0	65.73
No. 15	88	6.0	14.72
No. 16	110	2.0	55.35
No. 17	180	3.0	60.15
Open Space (3)			217.75
<b>Totals</b>	<del>2,214</del> 2,089		<del>754.68</del> 743.93

- (1) The referenced unit counts and densities represent the maximum available to individual neighborhoods. The actual number of units obtained is subject to an approved site layout, City Engineer approval, resolution of physical constraint issues, and ability to provide infrastructure and utilities.
- (2) The maximum overall density for the Fox Hollow development is three (3) units per acre based on the R-3 Zone. Upon meeting the requirements of the PUD Zoning Ordinance, including the improvements and dedication of additional public improvements required to offset the increased density, the maximum overall density may be increased to four (4) units per acre. Neighborhoods with higher densities than three (3) and four (4) units per acre will be responsible for additional public improvements to offset the increased densities.
- (3) The Open Space total shown is less the acreage shown in OS-7, OS-8, and OS-9 as these acreages are included in the Approximate Area for N-14, N-16, and N-17. Per Exhibit "I", the total Open Space acreage is 217.75 acres.
- (4) The total allowable number of units for the remaining development under the Land Use Code based on the R-3 PUD Overlay Zone (up to 4 dwelling units per acre) is as follows:

Total Villages at Saratoga Springs Acreage-	1,069.91 acres
Existing Recorded Plat Acreage-	<u>(240.98) acres</u>
Total Remaining MDA Acreage-	828.93 acres
Sensitive Lands (slopes > 30%)-	<u>(87.20) acres</u>
<b>Total MDA Net Acreage-</b>	<b>741.73 acres</b>

**Total Allowable Units Based on R-3 PUD Overlay Zone:**  
741.73 acres x 4 dwelling units per acre = **2,967 units**

**Total Unit Summary Dwelling Units = 2,227**

**EXHIBIT D-1 AMENDED**

**BOUNDARY DESCRIPTION**

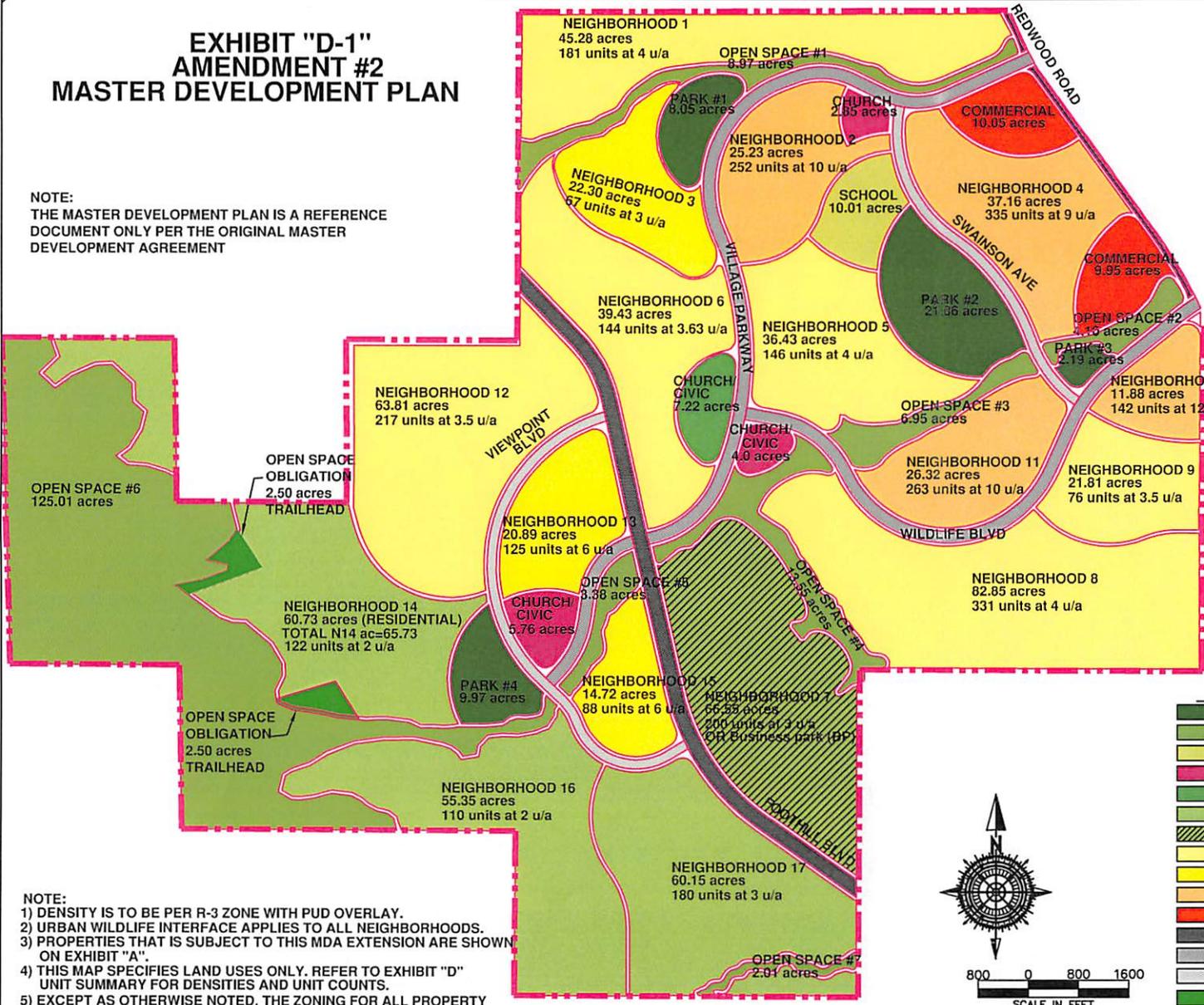
(Add legal descriptions for N4, N12, and N13 for recording purposes)

**MAP OF SUBJECT PROPERTY**

**EXHIBIT C: EXISTING EXHIBIT D-1**

**EXHIBIT "D-1"  
AMENDMENT #2  
MASTER DEVELOPMENT PLAN**

NOTE:  
THE MASTER DEVELOPMENT PLAN IS A REFERENCE DOCUMENT ONLY PER THE ORIGINAL MASTER DEVELOPMENT AGREEMENT



**Neighborhood Densities**

Neighborhood	Acres	Units/acre	# of Units
1	45.28	4	181
2	25.23	10	252
3	22.30	3	67
4	37.16	9	335
5	36.43	4	146
6	39.43	3.63	144
**7	66.55	3	200
8	82.85	4	331
9	21.81	3.5	76
10	11.88	12	142
11	26.32	10	263
12	63.81	3.5	217
13	20.89	6	125
***14	65.73	2	122
15	14.72	6	88
16	55.35	2	110
17	60.15	3	180
			<b>TOTAL=2,979</b>

\* PER 12-9-2008 MDA AMENDMENT  
 \*\* Neighborhood 7 dual zoning use as a Business Park  
 \*\*\* 60.73 residential and 5 ac open space

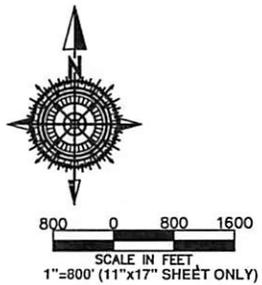
**Land-Use Inventory**

1076.67 acres in The Villages at Saratoga Springs  
 20.00 acres for Commercial space  
 66.55 acre Business Park N-7 (alternative use)

10.01 acres for school site  
 19.83 acres for Church / Civic uses  
 239.22 acres for open space  
 798.66 acres for residential development  
 3252 homes in The Villages at Saratoga Springs

**Land-Use Table**

- regional open space - parks
- regional open space - corridors and preserve
- schools
- civic sites/ church
- churches/ civic site
- VLDR 1-3.0 u/a
- business park
- LDR 3.1-5.0 u/a
- MDR 5.1-9.0 u/a
- VDR 9.1-15.0 u/a
- Commercial
- arterial roadways - 225 ft or 180 ft right of way
- major collector roads - 96.5 ft right of way
- minor (neighborhood) collector roads - 74 ft or 77 ft right of way
- Additional Trail Head area



NOTE:  
 1) DENSITY IS TO BE PER R-3 ZONE WITH PUD OVERLAY.  
 2) URBAN WILDLIFE INTERFACE APPLIES TO ALL NEIGHBORHOODS.  
 3) PROPERTIES THAT IS SUBJECT TO THIS MDA EXTENSION ARE SHOWN ON EXHIBIT "A".  
 4) THIS MAP SPECIFIES LAND USES ONLY. REFER TO EXHIBIT "D" UNIT SUMMARY FOR DENSITIES AND UNIT COUNTS.  
 5) EXCEPT AS OTHERWISE NOTED, THE ZONING FOR ALL PROPERTY IS R-3 PUD OVERLAY.

DATE: 05-05-09	DRAWN BY: JPL	CHECKED BY: JPL	DATE: 05-05-09	SCALE: 1"=800'	SHEET: 1 OF 2
DATE: 05-05-09	DRAWN BY: JPL	CHECKED BY: JPL	DATE: 05-05-09	SCALE: 1"=800'	SHEET: 1 OF 2

GATEWAY CONSULTING, Inc.  
 P.O. BOX 10000 SOUTH ARLAND PARK, FL 34685  
 PH: (813) 945-5648 FAX: (813) 442-7039  
 mail@gatewayconsulting.com

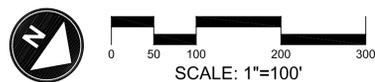
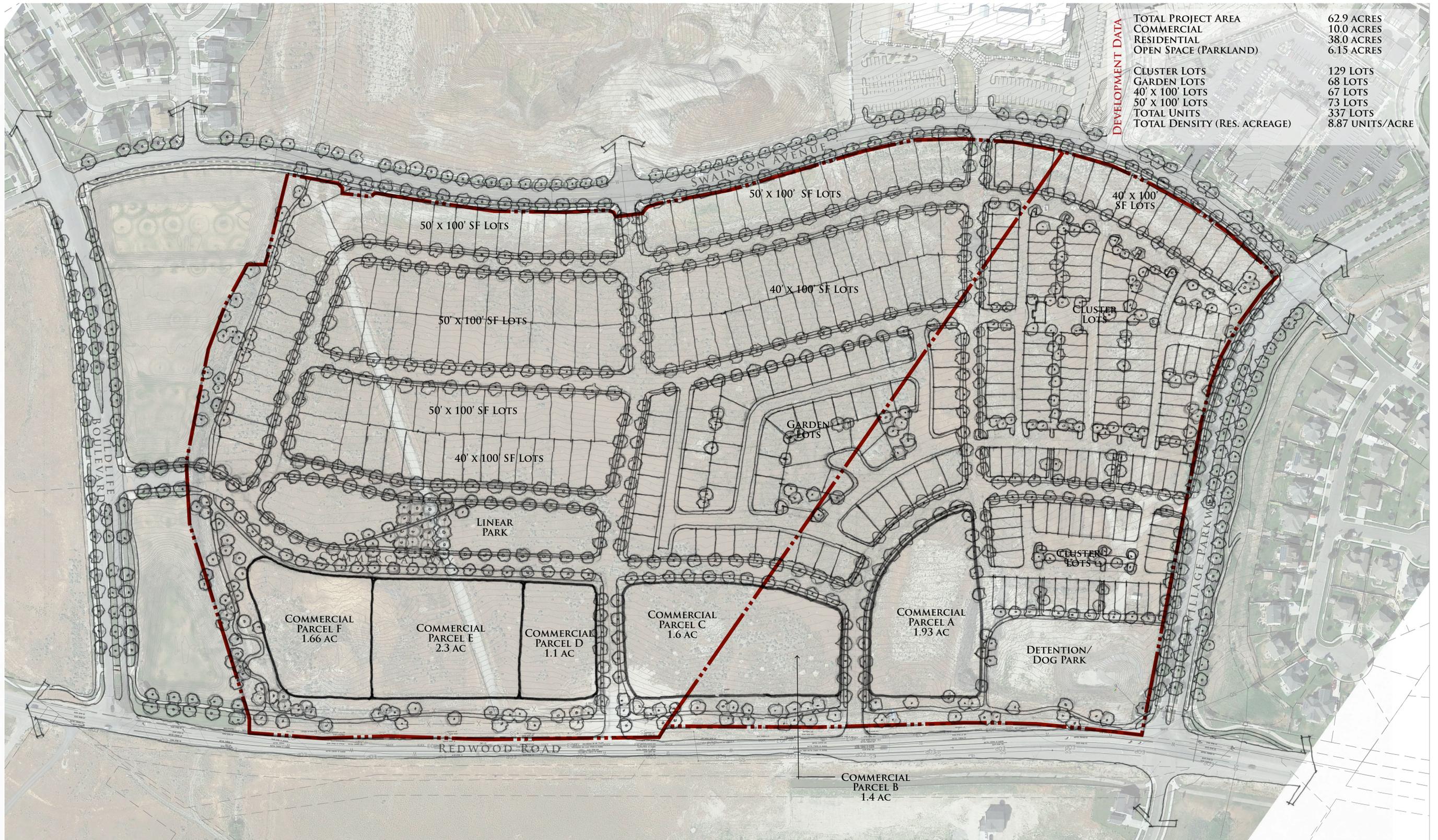
GATEWAY CONSULTING - LAND PLANNING  
 CIVIL ENGINEERING - CONSULTING - LAND PLANNING  
 CONSTRUCTION MANAGEMENT

VILLAGES OF FOX HOLLOW  
 VILLAGES AT SARATOGA SPRINGS  
 HAWKS LANDING  
 EXHIBIT D-1 MASTER DEVELOPMENT PLAN  
 AMENDMENT #2  
 2-3-17  
 DATE

SARATOGA SPRINGS

EXHIBIT D-1  
 AMEND #2  
 SHEET NO.





**FOX HOLLOW**  
**JACK FISHER LAND CO.**

CITY OF SARATOGA SPRINGS  
CITY COUNCIL SPECIAL MEETING MINUTES

Tuesday, September 5, 2017  
City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 201, Saratoga Springs, Utah 84045

Mayor Jim Miller convened the meeting at 7:00 p.m.

Present Mayor Jim Miller, Council Members Chris Porter, Shellie Baertsch, Stephen Willden, Ryan Poduska, and Michael McOmber.

Staff City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, City Engineer Gordon Miner, Public Relations and Economic Development Manager David Johnson, Public Works Director Jeremy Lapin, Senior Planner Sarah Carroll, City Recorder Cindy LoPiccolo

**City Council Vacancy – Oath of Office, Ryan Poduska**

Mayor Miller announced Ryan Poduska was selected by the City Council at the prior special meeting to fill a vacancy and serve as interim City Council Member for the term of September 5, 2017 to January 6, 2020. City Recorder Cindy LoPiccolo gave the Oath of Office to Ryan Poduska. Mayor Miller and Council congratulated and welcomed Council Member Poduska.

**City Council Work Session**

1) **Fox Hollow Commercial**, (MDA Amendment, Rezone, General Plan Amendment for Fox Hollow Neighborhoods, 4, 12, 13 & 14), Doug Towler Applicant, ~3100 S. Redwood Rd.

Senior Planner Sarah Carroll reported the Fox Hollow subdivision Master Development Agreement (MDA) requires twenty acres of commercial in Neighborhood 4 (N4), five acres to be designated regional commercial and fifteen acres to be neighborhood commercial. After receiving preliminary information that indicates the sizing of the Mountain View Corridor and that the MVC will have a future interchange at Village Parkway and based on this information the Applicant has requested revisit of the previous proposal and requests that fourteen acres of the required twenty acres of commercial development be moved from Redwood Road to the west near the future Foothill Blvd./Mountain View Corridor (MVC) alignment. Information was received from the developer's consultant Zions Public Finance on this topic and based on projected populations within the radius believe the location along Redwood Road does not support twenty acres of commercial. Since the City Council was concerned with zoning property within the MVC alignment, the Applicant proposes the MDA be amended to allow the City Council to place the zoning in a location as they desire in the future. The concern this poses is that the zoning map cannot show "flexible" zoning. The Applicant has provided information with projected population growth in this part of the City to justify the transfer of commercial zoning.

Matt Scott, representing owner SCP Fox Hollow, reported Applicant Doug Towler was not able to make this meeting and introduced Benj Becker, consultant for commercial real estate.

Consultant Becker reviewed criteria for commercial sites and advised commercial would make the most sense in the area with higher visibility and exposure. Taken into consideration was information from Mountainland Association of Governments (MAG), attractions, developments that would increase traffic. He noted the planned increase in traffic counts proposed for Redwood Road are inferior to what is shown for Foothill Blvd., there is a greater revenue potential for the City, and believes some minimal retail could work on Redwood Road. City Manager Christensen gave a comparison to Bountiful Hwy 89 planning and advised the question is would commercial do better with some located by the eventual 215/MVC route, it is future planning.

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Council Member Baertsch commented she believes other things have not been considered, zoning and timing of zoning. This is future planning, however, treating like a land use map and asking for bubble zoning is not technically possible. The current development agreement is not helpful and this is a zoning issue, in ten years Foothill Blvd. may not be what is proposed now and the location or if it is expanding into the Mountain View Corridor (MVC) is not known. Matt Scott stated in talking to staff they understand there cannot be a bubble zone and is proposing to leave the sole discretion to Council to zone, once Foothill Blvd. is determined the zone can go in where it should go, rather than put twenty acres in an area that will not be supported.

Council Member Willden commented growth has been double what was projected and UDOT traffic and statistical models are significantly flawed. The potential of lost revenue would not be the only driver, the benefit to the city would also be a reduction in density and for him to consider this it would have to include a significant reduction in density which is a near term benefit to the City. Appreciates the information, there are many significant unknowns. If there was a reduction in density he could get behind a 50-50 split in commercial location and pointed out when UDOT is looking at road placement maybe there is something we can do for dedications to help narrow the planning for that, where there is an existing easement there is a higher motivation and likelihood where the roadway will be. City Attorney Thurman commented step one is a land acquisition plan and it is always good planning to work that out ahead and acquire the land. City Manager Christensen reported in speaking with UDOT the more planning the City can do with this will get the roadway lined up and allow us to get a large segment of road in place.

Council Member Poduska thanked the representatives for the study and data for points of discussion. In regard to the study, inquired why the center of the radius is not where the proposed commercial will be and if the study took into account future growth. Consultant Benz responded he believed the people doing the mapping shifted it for the most beneficial area to represent potential commercial users, and no the study did not consider future growth. Council Member Poduska stated he is looking for numbers that fit more with the right location and would want residents to have feedback. Having a split may help with views up to the lake and there could be a benefit when Foothill Blvd. is developed to have commercial there. He is more in favor of a 50-50 split, at full buildout believes both locations would be evenly used and believes in Neighborhood 17 there is a flat area there that would be a prime location for potential business park. Another concern with transfer would be the cost to UDOT to acquire the land and he would want to find ways to not increase the cost.

Council Member McOmber commented this has been reviewed several times, he reviewed past minutes and notes and listened to residents and many would like the land to stay open. He could support Council Member Poduska's comments and Council Member Willden in regard to a 50-50 split, however, even with consultant opinions he questions construction timing and asks why try to force something when it may not be viable yet until Redwood Road is widened, and in ten years they may be back asking for more commercial acreage up by Foothill. This has been in the plans a long time the developer is aware of their rights and entitlement, and he would ask the Council whether they should make it work with what was given and let them figure out if it is the right time. This is a decision we do not have to do and make it work.

Council Member Baertsch noted the City does not know what is going to happen in 5-10 years, it does not make sense to move it now. She pointed out the area was planned for larger lots, if commercial is done they will want multi-family around it which takes away lower density and larger lots.

Tanya Parker, Village at Saratoga Springs HOA President, commented from the residents perspective a split in commercial would make more sense. The land has sat there for so long and until commercial fills in between the residential there will be acres of dirt and weeds. With the 50-50 split residents would still get necessities although not all at once, some along Redwood Road and save some at Foothill Blvd. when it is needed there. From a residents perspective would hate to see a parcel sit there for years because an agreement could not be reached. The HOA would want Council to consider not putting all the commercial along Redwood Road and moving some up to Foothill. In response to Council Member McOmber, Ms. Parker commented they do not see population

106 supporting the twenty acre volume on Redwood Road and does not believe the acreage for commercial will  
107 increase.

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109 Council Member McOmber advised the City has three applications south of Lake Mountain, wants to support  
110 what the HOA is saying although hearing complaints about all the growth. A thousand residents have told him  
111 more native open space is wanted. Ms. Parker commented there is a difference between undeveloped land and  
112 something planned to be open. It is nicer to get the things that are meant to go in rather than have forgotten  
113 undeveloped land, and these are the same people that say give us all those businesses. City Manager Christensen  
114 asked how the HOA perceives the possible down zone from R-15 to R-9 and change in product type which is part  
115 of the proposal in N4 and partially transferring density up to the top. Ms. Parker responded the residents would  
116 welcome the lower density with open arms, the reduction is a must for them for the movement of some  
117 commercial, this makes sense and they understand some development has been in the works for years however  
118 nothing has happened.

119  
120 Council Member Porter commented being able to lock in reduction in density is a benefit to the City, this is an  
121 opportunity to take advantage of that and obtain the UDOT right-of-way. He is in agreement with Council  
122 Member Willden in securing a dedicated parcel that would assist where the corridor would go, this would be  
123 beneficial to UDOT and the City. In regard to the study, concurred with Council Member Poduska's question  
124 about the location of the center noting some large developments are on line that would fall in the circle. Twenty  
125 acres of commercial is probably more than this area would be able to sustain even at full buildout and he is willing  
126 to entertain moving some of the commercial acreage acres up to the Foothill Blvd. alignment, however, the portion  
127 remaining on Redwood Road should be 10-12 acres in order to constitute a viable commercial development.  
128 Council Member McOmber commented he appreciates Council Member Porter's comments, would like to see a  
129 greater density reduction than what is proposed.

130  
131 Mayor Miller commented the reduction of density is a significant benefit, and appreciates reaching out to the  
132 HOA. He noted the City has successfully planned ahead in regard to commercial centers and will continue to  
133 plan, and the MDA was approved twenty years ago. Council Member Porter commented the width of Foothill  
134 Blvd. is preserved in the MDA, however, not the size and it is going to be a larger width. City Attorney Thurman  
135 advised it would be most helpful to have an identification of the alignment and legal description for location of  
136 the commercial area, the transfer of the commercial should match the plan for the Boulevard.

137  
138 City Engineer Miner reported he has been advised the alignment is on the UDOT Region 3 Director's desk and  
139 would be released in September. Mayor Miller requested the proposal also be sent to the HOA for review.

140  
141 Senior Planner Carroll advised staff will re-work this for proposed amendment language and continuation of the  
142 rezone. Matt Scott commented the Developer is trying to plan Neighborhood 4 now which cannot be done without  
143 knowing what is happening, they cannot wait ten years for a decision on whether to reduce it because it is being  
144 planned now. He does not feel they have received feedback if the Council is willing to do a reduction in density  
145 for reduction in commercial.

146  
147 Council Member McOmber commented the land cannot be rezoned, however, inquired if within the MDA it can  
148 be required they provide an additional ten acres within their development. City Attorney Thurman commented  
149 he gave direction to the Applicant to rezone the property and come back with a legal description now so Council  
150 is not doing a Green Springs issue. Council Member McOmber disagreed it would be the same problem as Green  
151 Springs because we would not lose the MDA.

152  
153 Mayor Miller advised he believes some of the Council would like to entertain a proposal for reduction, however,  
154 recommends the Developer work with the City Attorney to also clarify the MDA parameters and thinks Council  
155 Member McOmber raised a good point. Believes the Council is willing to entertain the proposal, however, wants  
156 some more information.

157

158 City Manager Christensen clarified from a delay standpoint that Council would like staff to align the MAG  
159 Corridor study through the property and see what that looks like, and to see an exhibit that identifies a legal  
160 description of where the commercial is proposed to be moved to and what that is going to look like in conjunction  
161 with UDOT's transportation planning. Also to update the exhibit that shows the reduction in density hearing  
162 Council would like to see more reduction than from an R-15 to an R-9, and a recommendation concerning  
163 dedication for the MVC. He noted there are still two property owners involved – Cardinal and SCP Fox Hollow.  
164

165 **City Council Policy Meeting**

166  
167 **Call to Order:** Mayor Jim Miller called the Policy Session to order at 7:20 p.m.  
168

169 **Roll Call:**

170 Present Mayor Jim Miller, Council Members Chris Porter, Shellie Baertsch, Stephen Willden,  
171 Michael McOmber, and Ryan Poduska.  
172

173 Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager  
174 Owen Jackson, Public Relations and Economic Development Manager David Johnson, Fire  
175 Chief Jess Campbell, Planning Director David Stroud, City Engineer Gordon Miner, Finance  
176 Manager Chelese Rawlings, Senior Planner Nora Shepard, Planner Kara Knighton, Civic  
177 Events Coordinator AnnElise Harrison, City Recorder Cindy LoPiccolo.  
178

179 Invocation by Council Member Porter.  
180 Pledge of Allegiance led by Council Member Poduska.  
181

182 **Public Input:**

183  
184 Mayor Miller invited public input.  
185

186 Leah Hansen, Songbird Lane, commented she has heard the audio is unclear to those watching the meeting. Public  
187 Relations Manager Johnson requested Council speak into the microphones.  
188

189 **BUSINESS ITEMS:**

190  
191 2) **Appointments to the Veterans Advisory Council;** Resolution R17-85 (9-5-17).  
192

193 Civic Events Coordinator AnnElise Harrison presented the staff report and recommendation for appointment to  
194 the Veterans Advisory Council, and introduced candidate Emily Blount. Staff recommends the appointment of  
195 Emily Mount, Ruth Ann Caldwell and Carl Sachs to the Advisory Council.  
196

197 Council Member Porter reported in review of the applications he felt the qualifications of all three exemplified  
198 what he had hoped this Council would become, with two veterans bringing their experience and a Veteran spouse  
199 that supports the Veterans community.  
200

201 Motion by Council Member Porter to approve the appointment of Ruth Ann Caldwell, Emily Mount, and Carl  
202 Sachs to the Saratoga Springs Veteran's Advisory Council for a term of three years and four months starting on  
203 September 5, 2017 and ending December 31, 2021, and Resolution R17-85 (9-5-17), was seconded by Council  
204 Member McOmber

205 Vote: Council Members Poduska, Willden, McOmber, Baertsch, and Porter - Aye  
206 Motion carried unanimously.  
207

208 Mayor Miller thanked the new members for their willingness to serve. Council Member McOmber reported the  
209 passing of Veteran Jimmy Kawato and planned services, with respectful acknowledgement that Veteran Kawato  
210 was an active community member donating time and service for Veteran issues, activities and events.



## DRAFT MINUTES – Planning Commission

Thursday, February 13, 2020

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

### PLANNING COMMISSION MEETING MINUTES

**Call to Order - 6:00 p.m.** by Chairman Bryan Chapman

**Present:**

Commission Members: Bryan Chapman, Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Reed Ryan, Josh Wagstaff.

Staff: Dave Stroud, Planning Director; Sarah Carroll, Senior Planner; Tippe Morlan, Senior Planner; Gina Grandpre, Planner II; Rachel Day, Planner I; Conrad Hafen, Assistant City Attorney; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder.

Others: Pam and Neil Infanger, John Linton, Ivy and Michael Turnow, Brock Loomis, Mitch Vance, Sid Allsop, Richard

**5. Public Hearing: Rezone, and General Plan amendment for Fox Hollow neighborhoods 4 & 13 and Master Development Agreement amendment for neighborhoods 4, 12, 13. Chad Bessinger SCP Fox Hollow, applicant.**

Senior Planner Sarah Carroll presented the item. The amendment is to modify land uses and zoning in several neighborhoods with the development. The applicant is requesting that they retain 10 acres of commercial in neighborhood 4 and that it be zoned Community Commercial. This results in an increase of the R-1-10 PUD zoning, but they are not requesting an increase in units. They are proposing to stick with the 335 units that was previously approved, which results in a decrease in density from 9 units per acre to 7.59 units per acre. Neighborhood 13 is currently zoned R-1-10 Planned Unit Development and allows for 125 units at 6 units per acre. The application is proposing to replace this with 10.76 acres of Community Commercial zoning. The land use map would also be amended to match these requests. Neighborhood 4 is proposed to be amended from Regional Commercial and High Density Residential to 10 acres of Community Commercial with the remainder as High Density Residential. The land use map for Neighborhood 13 would be amended from Medium Density Residential to Community Commercial.

Brock Loomis and Mitch Vance were present as applicant.

**Public Hearing Open** by Chairman Bryan Chapman

Richard (?) Asked for clarification on the project.

**Public Hearing Closed** by Chairman Bryan Chapman

Commissioner Kilgore

- Asked if the request from the HOA that the small lots have full length driveways needed to be a condition. Planning Director Dave Stroud advised it could be added as a condition if the Planning Commission would like. Mitch Vance responded they would be glad to look at that.

A 5 min. break was taken to help a resident understand the item because he couldn't hear well.

Meeting resumed at 6:28.

Commissioner Cunningham

- In favor of moving the commercial.
- In favor of longer driveways.

**Motion made by Commissioner Cunningham that the Planning Commission recommend to the City Council approval of the proposed Rezones and General Plan Amendments for Fox Hollow Neighborhoods 4, 12, and 13 as described in Section C of this report and as depicted in the attached exhibits, with the findings and conditions in the staff report. Adding a condition to review the driveways on the smaller lot homes. Seconded by Commissioner Kilgore. Aye: Bryce Anderson, Audrey Barton, Bryan Chapman, Troy Cunningham, Ken Kilgore, Reed Ryan, Josh Wagstaff. Motion passed 7 - 0.**

**ORDINANCE NO. 20-6 (3-3-20)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AN AMENDMENT TO THE LAND USE MAP OF THE GENERAL PLAN, ADOPTING AN AMENDMENT TO THE OFFICIAL ZONING MAP, AND APPROVING A MASTER DEVELOPMENT AGREEMENT AMENDMENT SPECIFYING THE TERMS OF THE DEVELOPMENT OF CERTAIN REAL PROPERTY IN THE CITY**

**WHEREAS**, Utah Code Chapter 10-9a allows municipalities to amend the general plan and the number, shape, boundaries, or area of any zoning district; and

**WHEREAS**, before the Saratoga Springs City Council approves any zoning or general plan amendments, the amendments must first be reviewed by the Saratoga Springs Planning Commission for its recommendation to the City Council; and

**WHEREAS**, on February 13, 2020, the Planning Commission held a public hearing after proper notice and publication to consider amendments to the City's Land Use Map of the General Plan as well as the City-wide zoning map for certain real property in the City of Saratoga Springs, which is described in Exhibit A ("Property"), and forwarded the item with a favorable recommendation; and

**WHEREAS**, on March 3, 2020, the City Council held a public meeting to consider the general plan land use map and zoning map amendments; and

**WHEREAS**, the City Council voted to approve the rezone and general plan amendments subject to the terms of a master development agreement amendment, which agreement is attached as Exhibit B ("Agreement"); and

**WHEREAS**, pursuant to Utah Code § 10-9a-102, the City Council is authorized to enter into master development agreements it considers necessary or appropriate for the use and development of land within the municipality; and

**WHEREAS**, the City desires to enter into the Agreement because the Agreement establishes planning principles, standards, and procedures to eliminate uncertainty in planning and guide the orderly development of the Property; and

**WHEREAS**, after due consideration, and after proper notice, and after conducting the requisite public hearing with the Planning Commission, the City Council, pursuant to its legislative authority under Utah Code Annotated § 10-9a-101, et seq., has determined that it is in the best interests of the residents of the City of Saratoga Springs that amendments to the Land Use Map of the General Plan and City-wide zoning map be made and that the Agreement be approved.

**NOW THEREFORE**, the City Council hereby ordains as follows:

## **SECTION I – ENACTMENT**

The Properties described in Exhibit A is hereby changed on the City’s Land Use Map as follows:

Properties in Neighborhood 4 are hereby changed from Regional Commercial and High Density Residential to Community Commercial and High Density Residential.

Property in Neighborhood 13 is hereby changed from Medium Density Residential to Community Commercial.

The properties described and depicted in Exhibit A are hereby changed on the City’s Zoning Map as follows:

Properties in Neighborhood 4 are hereby changed from Regional Commercial and Low Density Residential with a PUD overlay to Community Commercial and Low Density Residential with a PUD overlay.

Property in Neighborhood 13 is hereby changed from Low Density Residential with a PUD overlay to Community Commercial.

These changes are subject to and conditioned on the owner of the Property entering into the master development agreement amendment attached as Exhibit B, which Agreement shall be recorded on the Property in the Office of the Utah County Recorder. City Staff is hereby instructed to amend the official City Zoning Map and Land Use Map accordingly and to record said Agreement, subject to payment of the recording costs by the property owner.

The City Manager is hereby authorized to sign the development agreement attached as Exhibit B. City Staff may make any non-substantive changes to the Agreement before execution but may not make any changes inconsistent with the conditions of approval adopted by the City Council.

## **SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

## **SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code § 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 3<sup>rd</sup> day of March 2020.

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
Cindy LoPiccolo, City Recorder

**VOTE**

Michael McOmber	_____
Chris Porter	_____
Stephen Willden	_____
Ryan Poduska	_____
Chris Carn	_____

**EXHIBIT A**

Legal Descriptions and Map

**EXHIBIT A**

**N4 – COMMUNITY COMMERCIAL ON THE LAND USE MAP AND ZONING MAP**

BEGINNING AT A POINT BEING S.89°49'52"W. 1380.72' ALONG THE SECTION LINE AND SOUTH 879.457' FROM THE EAST 1/4 CORNER OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.

THENCE, N 57° 21' 24" E FOR A DISTANCE OF 202.32 FEET TO A POINT ON A LINE.  
THENCE, S 36° 54' 20" E FOR A DISTANCE OF 261.05 FEET TO A POINT ON A LINE.  
THENCE, S 36° 17' 11" E FOR A DISTANCE OF 291.11 FEET TO A POINT ON A LINE.  
THENCE, S 35° 45' 36" E FOR A DISTANCE OF 263.76 FEET TO A POINT ON A LINE.  
THENCE, S 35° 16' 57" E FOR A DISTANCE OF 239.67 FEET TO A POINT ON A LINE.  
THENCE, S 34° 43' 05" E FOR A DISTANCE OF 330.70 FEET TO A POINT ON A LINE.  
THENCE, S 34° 12' 26" E FOR A DISTANCE OF 263.40 FEET TO A POINT ON A LINE.  
THENCE, S 37° 45' 20" W FOR A DISTANCE OF 457.17 FEET TO A POINT ON A LINE.  
THENCE, N 11° 15' 18" W FOR A DISTANCE OF 175.94 FEET TO A POINT ON A LINE.  
THENCE, N 09° 58' 26" W FOR A DISTANCE OF 69.20 FEET TO A POINT ON A LINE.  
THENCE, N 24° 22' 19" W FOR A DISTANCE OF 69.20 FEET TO A POINT ON A LINE.  
THENCE, N 33° 39' 40" W FOR A DISTANCE OF 949.57 FEET TO A POINT ON A LINE.  
THENCE, N 26° 51' 47" W FOR A DISTANCE OF 87.24 FEET TO A POINT ON A LINE.  
THENCE, N 14° 21' 53" W FOR A DISTANCE OF 104.64 FEET TO A POINT ON A LINE.  
THENCE, N 14° 21' 53" W FOR A DISTANCE OF 104.64 FEET TO A POINT ON A LINE.  
THENCE, S 54° 50' 41" W FOR A DISTANCE OF 26.07 FEET TO A POINT ON A LINE.  
THENCE, S 72° 55' 46" W FOR A DISTANCE OF 82.86 FEET TO A POINT ON A LINE.  
THENCE, N 90° 00' 00" W FOR A DISTANCE OF 95.87 FEET TO A POINT ON A LINE.  
THENCE, N 63° 46' 05" W FOR A DISTANCE OF 176.76 FEET TO A POINT ON A LINE.  
THENCE N 47° 37' 19" E A DISTANCE OF 269.43 FEET TO THE POINT OF BEGINNING

**N4 – HIGH DENSITY RESIDENTIAL ON THE LAND USE MAP AND R1-10 PUD ON THE ZONING MAP**

BEGINNING AT A POINT BEING S.89°49'52"W. 1375.16' ALONG THE SECTION LINE AND SOUTH 425.30' FROM THE EAST 1/4 CORNER OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.

Thence, S 25° 31' 48" E for a distance of 382.38 feet to a point on a line.  
Thence, S 57° 21' 24" W for a distance of 202.32 feet to a point on a line.  
Thence, S 47° 37' 19" W for a distance of 269.43 feet to a point on a line.  
Thence, S 63° 46' 05" E for a distance of 176.76 feet to a point on a line.  
Thence, N 90° 00' 00" E for a distance of 95.87 feet to a point on a line.  
Thence, N 72° 55' 46" E for a distance of 82.86 feet to a point on a line.  
Thence, N 54° 50' 41" E for a distance of 26.07 feet to a point on a line.  
Thence, S 14° 21' 53" E for a distance of 104.64 feet to a point on a line.  
Thence, S 14° 21' 53" E for a distance of 104.64 feet to a point on a line.  
Thence, S 26° 51' 47" E for a distance of 87.24 feet to a point on a line.  
Thence, S 33° 39' 40" E for a distance of 949.57 feet to a point on a line.  
Thence, S 24° 22' 19" E for a distance of 69.20 feet to a point on a line.  
Thence, S 09° 58' 26" E for a distance of 69.20 feet to a point on a line.  
Thence, S 11° 15' 18" E for a distance of 175.94 feet to a point on a line.  
Thence, S 51° 09' 11" W for a distance of 137.80 feet to a point on a line.  
Thence, S 65° 49' 32" W for a distance of 260.93 feet to a point on a line.  
Thence, S 79° 30' 05" W for a distance of 435.78 feet to the beginning of a non-tangential curve,  
Said curve turning to the right through 06° 57' 34", having a radius of 963.33 feet, and whose long chord bears N 23° 05' 28" W for a distance of 116.94 feet to the beginning of a non-tangential curve.  
Said curve turning to the left through 35° 32' 58", having a radius of 1787.12 feet, and whose long chord bears N 37° 23' 10" W for a distance of 1091.12 feet to the beginning of a non-tangential curve.  
Said curve turning to the right through 67° 30' 10", having a radius of 963.07 feet, and whose long chord bears N 21° 24' 34" W for a distance of 1070.14 feet to the beginning of a non-tangential curve.  
Said curve turning to the left through an angle of 33° 00' 36", having a radius of 647.50 feet, and whose long chord bears N 82° 10' 11" E for a distance of 367.91 feet.  
thence N 65° 39' 53" E a distance of 730.36 feet to the POINT OF BEGINNING

**N13 – COMMUNITY COMMERCIAL ON THE LAND USE MAP AND ZONING MAP**

BEGINNING AT A POINT BEING S.00°11'07"W. 853.45' ALONG THE SECTION LINE AND EAST 301.03' FROM THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.

Thence, S 01° 42' 37" W for a distance of 67.39 feet to the beginning of a non-tangential curve,  
Said curve turning to the left through an angle of 21° 37' 11", having a radius of 2865.92 feet, and whose long chord bears S 12° 46' 27" E for a distance of 1075.00 feet to a point of intersection with a non-tangential line.  
Thence, S 09° 37' 22" W for a distance of 90.43 feet to a point on a line.  
Thence, N 88° 27' 35" W for a distance of 663.45 feet to the beginning of a non-tangential curve,  
Said curve turning to the right through 62° 57' 48", having a radius of 1213.00 feet, and whose long chord bears N 20° 26' 59" E for a distance of 1266.92 feet to the POINT OF BEGINNING



**EXHIBIT B**

Master Development Agreement Amendment

**FOURTH AMENDMENT TO THE VILLAGES AT SARATOGA  
SPRINGS  
(FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT**

This FOURTH AMENDMENT TO THE VILLAGES AT SARATOGA SPRINGS (FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT ("**Amendment**") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2020 by Cardinal Land Holdings IV, LLC, a Delaware limited liability company and SCP FOX HOLLOW, LLC, a Utah limited liability company ("**Developers**") and the City of Saratoga Springs, a Utah municipal corporation ("**City**"). Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Second MDA (as defined below).

**RECITALS**

A. WHEREAS, Developers and the City, among other parties, are parties to that certain The Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement, dated April 30, 2013 and recorded on June 20, 2013 as Entry Number 59718:2013 in the offices of the Utah County Recorder (the "Second MDA") and subsequent amendments.

B. WHEREAS, Developers are the only owners of Neighborhood 4 ("N4"), Neighborhood 12 ("N12"), and Neighborhood 13 ("N13") within the development known as The Villages at Saratoga Springs in Saratoga Springs, Utah ("Property").

C. WHEREAS, Developers and City desire to amend the Second MDA and subsequent amendments as set forth below.

**AGREEMENT**

NOW THEREFORE, for valuable consideration received, the receipt and sufficiency of which is hereby acknowledged by all parties, Developers and the City do hereby covenant and agree as follows:

1. Master Plan Development Exhibit "D-1". Exhibit D-1 of the Second MDA and subsequent amendments is hereby amended and restated as attached hereto.
2. Zone Classification Modification. The Second MDA and subsequent amendments are hereby amended as follows:
  - a. Neighborhood No. 4. N4 will include only one Commercial area 10.0 acres in size as depicted on the attached and amended Exhibit D-1. One hundred percent of the Commercial acreage within N4 shall be classified as Community Commercial (CC).
  - b. Neighborhood No. 13. Previously designated a medium residential zone, N13 shall now include 10.76 acres of Commercial Area. One hundred percent of the Commercial acreage within N13 shall be classified as Community Commercial (CC) as depicted on Exhibit D-1.
3. Unit Summary Modification. Exhibit "D" and Exhibit "D-1" of the Second MDA and subsequent amendments is hereby amended as follows:
  - a. Neighborhood No. 13. As more fully shown on Exhibit D-1, the approximate area of N13 decreased from 20.89 acres to 10.76 acres as a result of a future interchange of the Foothill Boulevard Freeway. The maximum number of units allowed for N13 is decreased from one hundred twenty-five (125) units to zero (0) units as a result of the

- Neighborhood being converted to a Commercial Area. The density is null.
- b. Neighborhood No. 12. Due to the location of the Foothill Boulevard Freeway, the approximate area of N12 decreased from 63.81 acres to 56.2 acres. The maximum number of units allowed for N12 remains at two hundred seventeen (217) units per the First Addendum to the Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement and the density has increased to 3.86 units per acre as more fully shown on Exhibit D and D-1.
4. Terms and Conditions. The above mentioned are the only changes to the MDA—all remaining terms and conditions shall remain the same.
5. Incorporation by Reference. The terms of the Second MDA (as amended hereby) are incorporated herein by reference.
6. Counterparts. This Addendum may be executed and delivered (electronic or otherwise) in two counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
7. Ratification. Except as set forth herein, all of the terms and conditions of the First and Second MDA are hereby ratified and confirmed.
8. Enactment. The property described in the attached Boundary Description is subject to this fourth amendment.

[End of Amendment. Signature Page Follows.]

WHEREFORE, this Amendment has been executed by Developer and the City effective as of the date first set forth above.

**CITY OF SARATOGA SPRINGS**

\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

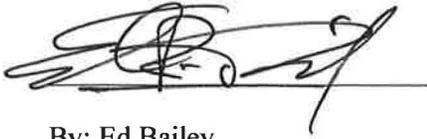
ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

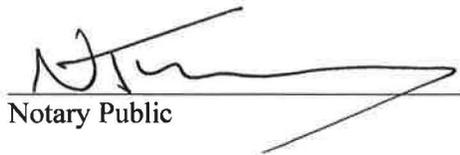
**CARDINAL LAND HOLDINGS IV, LLC**



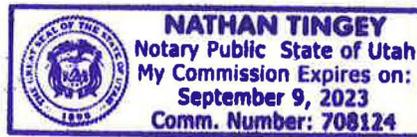
By: Ed Bailey  
Its: Manager

State of Utah                    )  
  :SS  
County of Salt Lake         )

On this 24 day of Feb, ~~2019~~<sup>2020</sup> personally appeared before me of satisfactory evidence, Ed Bailey, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the Manager of Cardinal Land Holdings IV, LLC, a Delaware limited liability company, and said document was signed by him on behalf of said company by proper authority, and he acknowledged to me that said company executed the same.



Notary Public





**EXHIBIT D AMENDED**

**UNIT SUMMARY**

<b>Neighborhood</b>	<b>Maximum Number of Units (1)</b>	<b>Maximum Density (Units/Acre) (1)</b>	<b>Approximate Area</b>
No. 1	27	4.0	6.75
No. 4	335	<del>9.0</del> 7.59 (2)	<del>37.16</del> 44.15
No. 5	146	4.0	36.43
No. 6	144	3.5	39.43
No. 7	200	3.0	66.55
No. 8	165	4.0	41.55
No. 10	142	12 (2)	11.88
No. 11	226	10 (2)	16.53
No. 12	217	<del>3.5</del> 3.86	<del>63.81</del> 56.2
No. 13	<del>125</del> 0	<del>6.0</del> 0	<del>20.89</del> 10.76
No. 14	122	2.0	65.73
No. 15	88	6.0	14.72
No. 16	110	2.0	55.35
No. 17	180	3.0	60.15
Open Space (3)			217.75
<b>Totals</b>	<del>2,214</del> 2,089		<del>754.68</del> 743.93

- (1) The referenced unit counts and densities represent the maximum available to individual neighborhoods. The actual number of units obtained is subject to an approved site layout, City Engineer approval, resolution of physical constraint issues, and ability to provide infrastructure and utilities.
- (2) The maximum overall density for the Fox Hollow development is three (3) units per acre based on the R-3 Zone. Upon meeting the requirements of the PUD Zoning Ordinance, including the improvements and dedication of additional public improvements required to offset the increased density, the maximum overall density may be increased to four (4) units per acre. Neighborhoods with higher densities than three (3) and four (4) units per acre will be responsible for additional public improvements to offset the increased densities.
- (3) The Open Space total shown is less the acreage shown in OS-7, OS-8, and OS-9 as these acreages are included in the Approximate Area for N-14, N-16, and N-17. Per Exhibit "I", the total Open Space acreage is 217.75 acres.
- (4) The total allowable number of units for the remaining development under the Land Use Code based on the R-3 PUD Overlay Zone (up to 4 dwelling units per acre) is as follows:

Total Villages at Saratoga Springs Acreage-	1,069.91 acres
Existing Recorded Plat Acreage-	<u>(240.98) acres</u>
Total Remaining MDA Acreage-	828.93 acres
Sensitive Lands (slopes > 30%)-	<u>(87.20) acres</u>
<b>Total MDA Net Acreage-</b>	<b>741.73 acres</b>

**Total Allowable Units Based on R-3 PUD Overlay Zone:**  
741.73 acres x 4 dwelling units per acre = **2,967 units**

**Total Unit Summary Dwelling Units = 2,227**



**LEGAL DESCRIPTION**

**MDA – OVERALL**

BEGINNING AT A POINT THAT IS THE WEST ¼ CORNER OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.

Thence, N 89° 47' 35" E for a distance of 3913.08 feet to a point on a line.  
Thence, S 25° 31' 48" E for a distance of 855.08 feet to a point on a line.  
Thence, S 36° 18' 52" E for a distance of 815.90 feet to a point on a line.  
Thence, S 35° 16' 57" E for a distance of 239.67 feet to a point on a line.  
Thence, S 34° 43' 05" E for a distance of 330.70 feet to a point on a line.  
Thence, S 34° 12' 26" E for a distance of 263.40 feet to a point on a line.  
Thence, S 30° 17' 05" E for a distance of 481.06 feet to a point on a line.  
Thence, S 00° 16' 18" W for a distance of 2767.90 feet to a point on a line.  
Thence, N 89° 43' 17" W for a distance of 2556.15 feet to a point on a line.  
Thence, N 22° 47' 26" W for a distance of 112.63 feet to a point on a line.  
Thence, N 72° 00' 31" W for a distance of 76.81 feet to a point on a line.  
Thence, N 36° 20' 45" W for a distance of 118.61 feet to a point on a line.  
Thence, S 00° 17' 17" W for a distance of 222.28 feet to a point on a line.  
Thence, S 00° 13' 46" W for a distance of 2623.94 feet to a point on a line.  
Thence, N 89° 47' 50" W for a distance of 2747.36 feet to a point on a line.  
Thence, N 00° 19' 30" E for a distance of 1317.08 feet to a point on a line.  
Thence, N 89° 45' 29" W for a distance of 2671.17 feet to a point on a line.  
Thence, N 00° 55' 09" W for a distance of 1314.77 feet to a point on a line.  
Thence, N 89° 40' 29" W for a distance of 1347.81 feet to a point on a line.  
Thence, N 01° 27' 21" W for a distance of 2618.47 feet to a point on a line.  
Thence, S 89° 47' 56" E for a distance of 1373.08 feet to a point on a line.  
Thence, S 00° 54' 59" E for a distance of 1310.02 feet to a point on a line.  
Thence, S 89° 41' 58" E for a distance of 1360.21 feet to a point on a line.  
Thence, N 00° 21' 49" W for a distance of 1310.39 feet to a point on a line.  
Thence, S 89° 43' 24" E for a distance of 1372.83 feet to a point on a line.  
thence N 00° 17' 26" E a distance of 2634.31 feet to the POINT OF BEGINNING





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**Code Amendment**  
**Various Chapters or Sections in Title 19**  
**March 3, 2020**  
**Public Meeting**

Report Date: February 25, 2020  
Applicant: City Initiated  
Previous Meeting: City Council Special Session 1/23/20, Planning Commission Work Session  
2/3/20  
Land Use Authority: City Council  
Author: David Stroud, Planning Director

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**A. Executive Summary:**

The Saratoga Springs City Council held a Special Meeting on January 23, 2020, and approved initiating proceedings pursuant to Utah Code § 10-9a-509(1)(a)(ii)(B), to remove Conditional Uses within all zoning designations from Title 19. Prior to the special meeting, City Staff was already in the process of amending the Use Table in Title 19 of City Code by removing certain conditional uses, designating other conditional uses as permitted uses, and retaining a few conditional uses in various zones. Now, because of the Pending Ordinance, City Staff has a clear policy direction to take to the Planning Commission for a recommendation to the City Council for final adoption.

**RECOMMENDATION:**

**The Planning Commission recommends the City Council conduct a public meeting, discuss the proposed amendments, and choose from the options in Section G of this report.** Options include approval with or without modifications, continuing the amendments to a future meeting, or denial.

**B. Specific Request:**

Staff has gone through the Land Use tables and changed the designation for all the Conditional Uses by either removing them, changing them to permitted uses, or changing them to permitted uses that will have associated standards and considerations. Superscript #4 indicates that additional standards are required. A summary of the proposed changes is below and specific text amendments are attached.

#### Drive-thru:

- Added a definition for drive-thru and added drive-thru to the non-residential use table. The benefit of having it as a separate use is to specify which zones will allow drive-thru's. Drive-thru's may be found at banks, restaurants, pharmacies, car washes, etc.
- Establish stacking requirements related to drive-thru's.
- Establish development standards for drive-thru's.

#### Hotel/Motel:

- Modify the definitions and distinguish between interior vs exterior access.
- Remove motels from the use table and the parking table.
- Establish development standards for hotels.

#### Conditional Uses:

- Eliminate Conditional Uses by either removing them or changing them to permitted uses with or without development standards and considerations.
- Superscript #4 indicates additional development standards for uses. Many of the uses that were conditional uses are now permitted uses.
- Residential zones:
  - Limit Bed and Breakfast to the A and RA-5 zone and come back with proposed standards.
  - Remove cemetery and add it to the Institutional/Civic (IC) zone.
  - Remove child care center from residential zones (commercial operation, allowed as a home occupation); it is allowed in some commercial zones.
  - Remove Dairy as we do not anticipate any new dairies with all of the development entitlements that have been granted throughout the City.
  - Remove Educational center; it is allowed in some commercial zones.
  - Change several uses from conditional to permitted and permitted with standards.
  - The following uses are proposed to be permitted uses with development standards and considerations.
    - Kennel, private
    - Public and private utility building or facility
    - Public Building or Facilities (City Owned)
    - Riding Arena (Commercial)
    - School, Private and Quasi-Public
- Commercial zones:
  - Remove "Animal Hospital Large/Large Veterinary Office"; it is allowed in the A and RA-5 zones.
  - Add "drive-thru"
  - Change several uses from conditional to permitted and permitted with standards.
  - The following uses are proposed to be permitted uses with development standards and considerations.
    - Automobile Rental & Leasing Agency
    - Automobile Repair, Major
    - Automobile Repair, Minor
    - Automobile Sales

- Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service
- Car Wash (self service)
- Child Care Center
- Drive thru - standards are proposed for review
- Hotels – standards are proposed for review
- Non-Depository Institutions
- Pawn Shop
- Preschool
- Public & private utility building or facility
- Reception Centers
- Refueling Station, Public
- Refueling Station, Private
- Retail, Tobacco Specialty Store
- Sexually Oriented Businesses
- Storage, Self-Storage, or Mini Storage Units
  - Spacing requirements are proposed for review. The Planning Commission may choose to recommend a spacing requirement or leave it as is.
- Storage, Outdoor
- Storage, Vehicle

Conditional Use Permit Chapter:

This section will be left in the code to govern existing conditional uses that will become non-conforming conditional uses.

**C. Process:**

Section 19.17.03 of the Code outlines the process and criteria for an amendment:

- a. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.
 

**Complies.** *There is no application as this is City initiated and has been presented for a recommendation to the City Council.*
- b. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.
 

**Complies.** *Please see Sections E and F of this report.*
- c. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.
 

**Complies.** *Please see Section D of this report.*
- d. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to

be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

**Complies.** Please see Section D of this report.

**D. Community Review:**

This item was noticed in the Daily Herald as a Planning Commission public hearing. As of the date of this report, no public input has been received. The notice has also been posted in the City building, [www.saratogspringscity.com](http://www.saratogspringscity.com), and [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html).

**E. General Plan:**

**Land Use Element – General Goals**

The General Plan has stated goals of responsible growth management, orderly and efficient development that is compatible with both the natural and built environment, establishment of a strong community identity in the City of Saratoga Springs, and implementation of ordinances and guidelines to assure quality of development.

**Staff conclusion: consistent.** *The proposed changes will still ensure quality of development, maintain community identity, ensure quality development through the maintenance of high standards, and require mitigation of impacts to existing/proposed development.*

**F. Code Criteria:**

**Code amendments are a legislative decision and grants the City Council significant discretion when considering changes to the Code.**

The criteria for an ordinance (Code) change are outlined below and act as guidance to the Council and to the Commission in making a recommendation. Note that the criteria is not binding.

**19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment**

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;  
**Consistent.** See Section E of this report.
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
**Consistent.** *The amendments will not adversely affect the health and welfare of the general public.*
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and  
**Consistent.** *The stated purposes of the Code are found in section 19.01.04:*

1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
  - a. encourage and facilitate the orderly growth and expansion of the City;
  - b. secure economy in governmental expenditures;
  - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
  - d. enhance the economic well-being of the municipality and its inhabitants;
  - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
  - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
  - g. stabilize and conserve property values;
  - h. encourage the development of an attractive and beautiful community; and
  - i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

**Consistent.** *The proposed amendment will provide a streamlined development review process both benefiting the City, developers, and the public.*

4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.  
**Consistent.** *The amendments will provide additional clarity and effectiveness of the Code and better enhance the consistency in development review.*

#### **G. Planning Commission Recommendation**

The Planning Commission forwards a **positive** recommendation on the proposed changes with the findings and conditions of the staff report:

Motion: "Based upon the evidence and explanations received today, I move to approve the proposed amendment to Title 19 with the findings and conditions in the staff report dated February 25, 2020:"

#### **Findings:**

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections E and F of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section F of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section F of

this report and incorporated herein by reference.

- 4. The amendments are consistent with Section 19.17.04.4 as outlined in Section F of this report, and incorporated herein by reference.

**Conditions:**

- 1. The amendments shall be edited as directed by the City Council:

a. \_\_\_\_\_

b. \_\_\_\_\_

**Option 1 – Continuance**

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Title 19 to the [DATE] City Council meeting with the following direction on additional information needed and/or changes to the draft:

a. \_\_\_\_\_

b. \_\_\_\_\_

**Option 2 – Denial**

Vote to deny all or some of the proposed Code amendments.

Motion: “Based upon the evidence and explanations received today, I move to **deny** the proposed amendments to all or some of the Title 19 amendments with the Findings below:

**Findings**

- 1. The amendments do not comply with Section 19.17.04, sub paragraphs 1, 2, 3, and/or 4, as articulated by the City Council: \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**H. Exhibits:**

- A. Draft Amendments

## DRAFT AMENDMENTS

### 19.02.02. Definitions.

“Drive-thru” means a use that provides services through a window or machine without the driver leaving the vehicle.

“Hotel” means a building containing guest rooms with only interior access in which lodging is provided for compensation. ~~to transient or permanent guests or both.~~

“Motel” means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room with exterior access, which includes automobile courts, tourist courts with more than one building, and motor lodges. Motels are prohibited in the City.

~~“Restaurant, Casual” means an establishment:~~

- ~~a. where foods or beverages are prepared for consumption that occurs in the building, on the premises, within a motor vehicle parked on the premises, or off premises; and~~
- ~~b. whose operation includes one or more of the following characteristics:~~
  - ~~i. food or beverages are served to the occupants of a motor vehicle (e.g., drive thru window or drive in); and~~
  - ~~ii. food and beverages are usually served over a general service counter whether or not there is a seating area within the restaurant.~~

“Restaurant, Takeout/Deli” means a shop, store, or business no larger than 2,000 square feet with limited onsite seating and ~~a~~ more than 50% of business typically consisting of take-out. ~~, without a drive thru window.~~

~~Restaurant, Sit Down” means an establishment that provides, as a principal use, foods and beverages prepared for consumption primarily on premise and may include a take-out or curbside service so long as such is not the principal use of the establishment. within or without the establishment with no drive up or drive thru window or drive in and whose operation includes the following characteristics:~~

- ~~a. customers are customarily served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and a restaurant employee customarily clears the table of trash and food; and~~
- ~~b. take-out service may be provided so long as it is not the principal business of the establishment and no drive up or drive thru window, or drive in, is utilized.~~

“Stacking” means an area provided for vehicles waiting to go through a drive-thru lane.

**Chapter 19.04. Establishment of Land Use Zones and Official Map.**

**Sections:**

- 19.04.01. Purpose.**
- 19.04.02. Land Use Zones and Classification Established.**
- 19.04.03. Application of Land Use Zone Regulations.**
- 19.04.04. Official Zoning Map.**
- 19.04.05. Land Use Zone Boundary Interpretation.**
- 19.04.06. Purpose and Intent of Agricultural & Residential Zones.**
- 19.04.07. Land Use Regulations, Agricultural & Residential Zones.**
- 19.04.08. Permitted ~~and Conditional~~ Uses, Agricultural & Residential Zones.**
- 19.04.09. Purpose and Intent of Non-Residential and Mixed Use Zones.**
- 19.04.10. Land Use Regulations, Non-Residential and Mixed Use Zones.**
- 19.04.11. Permitted ~~and Conditional~~ Uses, Non-Residential and Mixed Use Zones.**
- 19.04.12. Mixed Waterfront Zone.**
- 19.04.13. Mixed Residential Zone.**

**19.04.08. Permitted ~~and Conditional~~ Uses, Agricultural & Residential Zones.**

The following table lists the Permitted ~~and Conditional~~ uses for the Residential Zones in the City of Saratoga Springs. Empty boxes mean that the use is prohibited in that zone. Uses not listed are also prohibited.

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR <sup>2**</sup>
Agriculture	P	P	P										
Animal Hospital, Large/Large Veterinary Office	P	P											
Apiary (see §§ 19.05.08)	P	P	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast	<del>PC</del>	<del>PC</del>	<del>PC</del>	<del>PC</del>	<del>PC</del>	€	€	€					
Cannabis Production Establishments as defined by Utah Code	P												
<del>Cemetery</del>	€	€	€	€	€	€	€	€	€	€	€	€	
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P					
<del>Child Care Center</del>	€	€	€	€	€	€	€	€	€	€	€	€	€
Church	P	P	P	P	P	P	P	P	P	P	P	P	P
<del>Dairy</del>	€	P											
Dwelling, Accessory Unit <sup>**3</sup>													

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR <sup>2**</sup>
Dwelling, Multi-Family										P	P	P	P
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Three-Family									P	P	P	P	P
Dwelling, Two-Family								P	P	P	P	P	P
Educational Center	€	€	€	€	€	€	€	€	€	€	€	€	€
Equestrian Center	<u>PE</u>	<u>PE</u>											
Farm Animals (see Section 19.05.05)	P	P	P										
Farmer's Market	<u>PE</u>	<u>PE</u>	<u>PE</u>										€
Golf Course	P	P	P	P	€	€	€	€					€
Home Occupations	See §19.08												
Kennel, Private	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>										
Livestock Auction Yard	<u>PE</u>	€											
Plant and Tree Nursery	P	<u>PE</u>	<u>PE</u>										
Preschool			€	€	€	€	€	€	€	€	€	€	€
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P	P
Public and private utility building or facility	<u>P<sup>4</sup>€</u>												
Public Building or Facilities (City Owned)	<u>P<sup>4</sup>€</u>												
Public Parks, playgrounds, recreation areas, or other park improvements*1	P	P	P	P	P	P	P	P	P	P	P	P	P
Refueling Station, Private	P												
Residential Facilities for Elderly Persons	<u>PE</u>												
Residential Facilities for Persons with a	P	P	P	P	P	P	P	P	P	P	P	P	P

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR <sup>2**</sup>
Disability													
Riding Arena (Commercial)	<u>P<sup>4</sup></u> €	<u>P<sup>4</sup></u> €	€										
Riding Arena (Private)	P	P	P										
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	<u>P<sup>4</sup></u> €	<u>P<sup>4</sup></u> €	<u>P<sup>4</sup></u> €	<u>P<sup>4</sup></u> €	<u>P<sup>4</sup></u>								
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P
Stables	P	P	<u>P</u> €										
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P	P
	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR

**P = Permitted** **€ = Conditional**

<sup>\*1</sup> A neighborhood meeting is required for all public parks, public playgrounds, public recreation areas, or other public park improvements prior to new construction. City staff will notify residents within the subdivision or neighborhood area prior to any meeting. Any proposal for a regional park within the City will also be required to go Through a Site Plan review according to the requirements within the Land Development Code.

<sup>\*\*2</sup> In addition to those support commercial uses listed in this table, the MR or MU zone allows as Permitted ~~and Conditional~~ Uses those listed in the Neighborhood Commercial Zone (NC) in 19.04.11.

<sup>\*\*\*3</sup> Permitted if approved as part of a Community Plan in the Planned Community Zone.

<sup>4</sup> Additional Standards as provided in other sections of this Title 19; see a City Planner for more details

#### 19.04.11. Permitted ~~and Conditional~~ Uses, Non-Residential and Mixed Use Zones.

The following table lists the Permitted ~~and Conditional~~ uses for the Nonresidential Zones in the City of Saratoga Springs. Empty boxes mean that the use is prohibited in that zone. Uses not listed are also prohibited.

**P= Permitted** **€= Conditional**

	NC	CC	RC <sup>*1</sup>	MU	OW	I	MW	BP	IC	PSBL
Alcoholic Beverage, State Liquor Store			P							
<del>Animal Hospital, Large/Large Veterinary Office</del>			€		€					
Animal Hospital, Small/Small Veterinary Office	<u>P</u> €	P	P	<u>P</u> €	P					
Arts & Crafts Sales	<u>P</u> €	P	P	P			P			
Automobile Rental & Leasing Agency, <del>10 or fewer total vehicles</del>		€	<u>P<sup>4</sup></u> €		<u>P<sup>4</sup></u> €	<u>P<sup>4</sup></u>		€ <sup>4</sup>		

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Automobile Rental & Leasing Agency, more than 10 total vehicles			€		€	P		€ <sup>A</sup>		
Automobile Repair, Major					€	<u>P</u> <sup>4</sup> €				
Automobile Repair, Minor			<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €		€ <sup>F</sup>		
Automobile Sales			<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup>	<u>P</u> <sup>4</sup> €				
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup>				
Bakery, Commercial					<u>P</u> €	<u>P</u> €				
Bakery, Retail	P	P	P	P	<u>P</u>	<u>P</u>	P	<u>P</u> <sup>A</sup> €		
Bed and Breakfast				<u>P</u> €			<u>P</u> €			
Bookstore	P	P	P	P			P	<u>P</u> <sup>A</sup> € <sup>F</sup>		
Building Material Sales (with outdoor storage)			€		€	P				
Building Material Sales (without outdoor storage)			<u>P</u> €		<u>P</u> €	<u>P</u> €				
Bus Lot										P
Cannabis Production Establishments as defined by Utah Code						P				
Car Wash (full service)		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €					€ <sup>A</sup>		
Car Wash (self service)		€	<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €				
Child Care Center	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €			€ <u>P</u> <sup>4A</sup>	€ <u>P</u> <sup>4A</sup>	<u>P</u> <sup>4</sup>	
Churches	<u>P</u> €	<u>P</u> €	<u>P</u> €	<u>P</u> €			<u>P</u> €		P	
Commercial & industrial laundries					€	P				
Commercial Recreation		<u>P</u> €	<u>P</u> €	<u>P</u> €	<u>P</u> €	€	P			
Commuter/Light Rail Station	<u>P</u> €	<u>P</u> €	P	<u>P</u> €	P	P	<u>P</u> €	<u>P</u> €	<u>P</u> €	
Contractor construction services establishments					<u>P</u> €	P				
Contractor Services Office					P	P				
Convenience Store		<u>P</u> €	P	<u>P</u> €	<u>P</u> €			€ <u>P</u> <sup>E</sup>		

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Convenience Store/Fast Food Combination		<u>P</u>	<u>PE</u>		<u>P</u>			<u>PE</u> <sup>E</sup>		
Copy Center	<u>PE</u>	P	P	P	<u>PE</u>			<u>PE</u> <sup>A</sup>		
Crematory/Embalming Facility					€	<u>PE</u>				
<u>Drive-thru</u>		<u>P</u> <sup>4</sup>			<u>P</u> <sup>4</sup>					
Dry Cleaners	<u>PE</u>	P	P	P				<u>PE</u> <sup>E/A</sup>		
Dwelling, Above commercial		€	<u>PE</u>	P			P			
Dwelling, Live/Work				P			P			
Dwelling, Multi-Family				P			P			
Dwelling, Single-Family				P			P			
Dwelling, Three-Family				P			P			
Dwelling, Two-Family				P			P			
Educational Center	<u>PE</u>	<u>PE</u>	<u>PE</u>	<u>PE</u>	<u>PE</u>			<u>PE</u>	P	
Electronic Media Rental & Sales		P	P	<u>PE</u>						
Electronic Sales & Repair			P	<u>PE</u>				<u>PE</u> <sup>A</sup>		
Equipment Sales & Services			<u>PE</u>			P				
Financial Institution	<u>P</u>	P	P	P				P <sup>A</sup>		
Fitness Center (5,000 sq. ft. or less)	P	P	P	P	P		P	P <sup>A</sup>		
Fitness Center( 5,001 sq. ft. or larger)	€	€	<u>PE</u>	<u>PE</u>	<u>PE</u>			<u>PE</u> <sup>A</sup>		
Floral Sales	P	P	P	P			P	P <sup>A</sup>		
<del>Funeral Home (5,000 sq. ft. or less)</del>	€	<u>PE</u>	<u>PE</u>	<u>PE</u>					<u>P</u>	
<del>Funeral Home (larger than 5,000 sq. ft.)</del>	€		€	€						
<u>Golf Course</u>									<u>P</u>	
Grocery Store		P	P	<u>PE</u>			P			
<del>Hair Salon</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>			
Hardware & Home Improvement Retail			P	€						
Home Occupations	See §19.08		See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08
Hospital		€	P					€	<u>P</u>	

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Hotels			<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup></u>	€	€	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>		
Ice Cream Parlor	P	P	P	P			P	€ <u>P<sup>A</sup></u>		
Impound Yard						<u>P€</u>				
Kennel, Commercial			<u>P€</u>		€	P				
Laundromat	<u>P</u>	<u>P€</u>	<u>P€</u>	<u>P</u>	<u>P€</u>	€				
Library		P	P	P					P	
Light Manufacturing					<u>P€</u>	<u>P€</u>		€		
Marina							P			
<b>Mining</b>						€				
Motels			€		€	€	€			
Neighborhood Grocery Store	<u>P</u>	P		P			P			
Non-Depository Institutions			<u>P<sup>4</sup>€</u>							
Office, High Intensity					P	<u>P€</u>		<u>P€</u>		
Office, Medical and Health Care	€	P	P	<u>P€</u>				P	€ <sup>A</sup>	
Office, Professional	€	P	P	P	P	€	P	P		
Public Parks, playgrounds, recreation areas, or other park improvements	P	P	P	P	P	P	P	P	P	P
Pawn Shop					<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>				
Personal Service Establishment	<u>P€</u>	<u>P€</u>	<u>P€</u>	<u>P€</u>	<u>P€</u>		<u>P€</u>	€ <u>P<sup>A</sup></u>		
Plant & Tree Nursery	€	<u>P€</u>	<u>P€</u>		€	P				
Postal Center	<u>P€</u>	<u>P€</u>	P	<u>P€</u>	<u>P€</u>			P <sup>A</sup>	P	
Preschool	€	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>			€ <u>P<sup>4A</sup></u>	€ <u>P<sup>4A</sup></u>		
Printing, lithography & publishing establishments					<u>P€</u>	<u>P€</u>		P		
Public & private utility building or facility			<u>P<sup>4</sup>€</u>		<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>		<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	P	
Reception Centers		<u>P€</u>	P	<u>P€</u>			P	<u>P€</u>		
Recreation Center		<u>P</u>	<u>P€</u>		<u>P</u>	€	<u>P€</u>			
Recreation Rentals			P			<u>P</u>	P			
<b>Recreational Vehicle Sales</b>			€							

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Recycling Facilities						<u>PE</u>				
Refueling Station, Public		<u>P4E</u>	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>				
Refueling Station, Private	E	<u>P4E</u>	P4	P4	P4	P4	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>
Research & Development		E	E		<u>PE</u>	<u>PE</u>		P	<u>EP</u> <sup>A</sup>	
Residential facilities for elderly persons				<u>PE</u>			<u>PE</u>			
Residential Facilities for Persons with a Disability				<u>PE</u>			<u>PE</u>			
<del>Restaurant, Casual</del>		P	P		E		<u>E</u> <sup>E</sup>	<u>E</u> <sup>E</sup>		
Restaurant, <u>Takeout Deli</u>	P	P	P	P	<u>P</u>		P	<u>EP</u> <sup>A</sup>		
Restaurant, <u>Sit Down</u>	P	P	P	P	P		P	<u>P</u> <sup>A/E</sup>		
Retail Sales	P	P	P	P	P		P	<u>EP</u> <sup>A</sup>		
Retail, Big Box			<u>PE</u>							
Retail, Specialty	P	P	P	P	P		P			
Retail, Tobacco Specialty Store					E	<u>P4E</u>				
School, Public	P	P	P	P	P	P	P	P	P	P
School, Trade or Vocational					P	P		P	P	
Sexually Oriented Businesses						P4				
Shooting Range, indoor- <del>or</del> -outdoor			<u>P</u>		<u>PE</u>	<u>PE</u>				
Storage, Self-Storage, or Mini Storage Units					<u>P4E</u>	<u>P4E</u>				
Storage, Outdoor						<u>P4E</u>				
Storage, Vehicle						<u>P4E</u>				
Tattoo <u>Shop, Parlor</u>			<u>P</u>		<u>P</u>	E				
Temporary Sales Trailer				T						
Temporary Use Trailer, Portable, Prefabricated or Manufactured Building										
Theater		<u>PE</u>	<u>PE</u>							
Transit-Oriented Development (TOD)		P	P	P			P	<u>PE</u>		

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
<p><sup>A</sup> The noted Uses shall be allowed in the listed zones as an ancillary use only.</p> <p><sup>E</sup> The noted Uses shall be allowed in the listed zones as an edge use only. <u>See §19.05.</u></p> <p><sup>*1</sup>As an ancillary component of the identified Permitted <del>and Conditional</del> Uses, employers may offer Child Care Center services for their employees. The provision of such services shall require <del>Conditional Use</del>City approval.</p> <p><sup>4</sup> <u>Additional Standards as provided in other sections of this Title 19; see a City Planner for more details.</u></p>										

**19.05.16. Special Standards and Considerations Governing Particular Uses.**

**1. Hotels.**

- a. No hotel shall be located within 500 feet of an existing school or public or private park as measured from the hotel building to the property boundary of the school or public or private park.
- b. No hotel shall be located within 300 feet of an existing residentially- zoned property as measured from the hotel building to the property boundary of the nearest residential zone (excluding Mixed Use and Mixed Waterfront zones).
- c. Travel trailers, campers, and other similar recreational vehicles shall not be occupied on the premises of a hotel facility or used in any way to provide additional accommodations for the hotel occupants.
- d. The site plan shall be designed to allow for visibility from the public right-of-way for police officers in patrol vehicles. The City of Saratoga Springs Police Department shall provide recommendations regarding the security of the site.
- e. Applications shall include a security management plan that outlines how the hotel will address potential criminal activities at the site. The security management plan shall include the following:
  - i. Outdoor lighting to remove “hiding places”. Lighting for safety and security shall be provided for all areas of the site that are not covered by a building, including all walkways and trash storage areas.
  - ii. Building entrance monitoring.
  - iii. Surveillance system that, at a minimum, covers the parking lot and registration areas.

**2. Kennel, Private**

- a. Outside runs or areas shall be a minimum of 300 feet from any dwelling other than the dwelling of the owner and the run or yard area shall be enclosed with a 6-foot sight obscuring fence.
- b. The structure(s) housing the animals shall be large enough to accommodate all animals and shall comply with the City noise and nuisance regulations in Title 10.
- c. Should the City receive complaints regarding the noise levels of the private kennel, the property owner shall retain the services of a qualified acoustical engineer if necessary to demonstrate compliance with Title 10.

**3. Storage, Self Storage, or Mini Storage Units**

- a. May not be located within half a mile of existing storage units.
- b. OR the recommendation may be to leave as is.

**19.09.10. Required Minimum Parking.**

The table below indicates the minimum requirement for each use; unless otherwise identified, in no case may the minimums be exceeded by more than 25%.

Use	Parking Requirement
<del>Animal Hospital, Large/Large Veterinary Office</del>	<del>4 stalls per 1000 sq. ft.</del>
Contractor Construction Services Establishments	4 stalls per 1000 sq. ft.
<u>Drive-thru**</u>	<u>bank or financial institution (including ATMs): minimum 3 stacking spaces per lane</u> <u>food or beverage facility: minimum 5 stacking spaces</u>
<del>Hair Salon</del>	<del>4 stalls per 1000 sq. ft.</del>
<del>Mining</del>	<del>1.5 stalls per person employed on highest employee shift.</del>
<del>Motels</del>	<del>2 stalls per motel room, plus 1 space per 3 seats of meeting space</del>
<del>Recreational Vehicle Sales</del>	<del>See Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales &amp; Service.</del>
<del>Restaurant, Casual</del>	<del>1 stall per 100 sq. ft.</del>
Restaurant, <del>Deli</del> Takeout	5 stalls per 1000 sq. ft.
Restaurant, <del>Sit Down</del>	1 stall per 100 sq. ft.
Shooting Range, Indoor- <del>or Outdoor</del>	1 stall per shooting lane, plus 4 stalls per 1000 sq. ft. of office/retail space.
Tattoo <del>Parlor</del> Shop	4 stalls per 1000 sq. ft.

\* Tandem parking spaces within a garage will only be counted as one parking space for residential uses.

\*\* Exception – the minimum for these uses may be exceeded by more than 25%.

### 19.09.11. Drive-thru Requirements

1. Each stacking space shall accommodate one vehicle and be no less than 20 feet in length from the point of service.
2. All drive-thru facilities must provide at a minimum 3 stacking spaces (60') per lane. See Table 19.09.10. for additional requirements by use.
3. Entrances and exits of drive-thru lanes shall be clearly marked to designate the direction of traffic flow.
4. A Final Traffic report shall be provided and approved to demonstrate how all queuing shall be contained within the property, business, or use and not affect the surrounding roads. Stacking shall be designed so that it does not have the potential to overflow onto the street or adjacent property, business, or use.
5. Landscaping shall be provided as described below:
  - a. A three foot (3') wide raised median or planter between the drive-thru aisle and the parking

- area.
- b. All drive-thru lanes adjacent to public streets shall have landscaped strips of not less than ten feet in width placed between the sidewalk and the drive-thru lanes that contain a berm, hedge, or screen wall with a minimum height of three feet to minimize intrusion of lighting from headlights and other lighting from surrounding properties.

**19.15.01 Purpose.**

1. In General

- a. The purpose of this Chapter is to establish standards for the approval of conditional uses in the City. In accordance with Utah law, a conditional use shall be entitled to approval if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental impacts of the proposed conditional use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. The purpose of this Chapter is to establish the applicable standards for the imposition of reasonable conditions and the standards for which a conditional use may be granted or denied.

2. Discontinuation of Conditional Use Permits

- a. Effective DATE, it is the intent of the City Council to discontinue the use of Conditional Use Permits.
- b. This chapter shall remain a part of the Land Development Code solely for the purpose of governing uses that have nonconforming rights pursuant to existing, approved, and unexpired CUPs.

**ORDINANCE NO. 20-7 (3-3-20)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE CHAPTERS 19.02, 19.04, 19.05, 19.09, AND 19.15 OF TITLE 19 OF THE SARATOGA SPRINGS CITY CODE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Title 19 of the City of Saratoga Springs Code, entitled “Land Development Code” was enacted on November 9, 1999 and has been amended from time to time; and

**WHEREAS**, the City Council and Planning Commission have reviewed the Land Development Code and find that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

**WHEREAS**, on February 27, 2020, the Planning Commission held a public hearing after proper notice and publication to consider proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

**WHEREAS**, on March 3, 2020, the City Council conducted a public meeting on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

**WHEREAS**, the City Council voted on the application at the March 3, 2020 meeting; and

**WHEREAS**, after due consideration, and after proper notice, and after conducting the requisite public hearing, the City Council has determined that it is in the best interests of the residents of the City of Saratoga Springs that modifications and amendments to Title 19 be adopted.

**NOW THEREFORE**, the City Council hereby ordains as follows:

**SECTION I – ENACTMENT**

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby amended. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 shall remain the same.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code § 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 3<sup>rd</sup> day of March, 2020.

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
Cindy LoPiccolo, City Recorder

**VOTE**

Chris Carn	_____
Michael McOmber	_____
Bud Poduska	_____
Chris Porter	_____
Stephen Willden	_____

**EXHIBIT A**

**Code Amendments**

## DRAFT AMENDMENTS

### 19.02.02. Definitions.

“Drive-thru” means a use that provides services through a window or machine without the driver leaving the vehicle.

“Hotel” means a building containing guest rooms with only interior access in which lodging is provided for compensation. ~~to transient or permanent guests or both.~~

“Motel” means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room with exterior access, which includes automobile courts, tourist courts with more than one building, and motor lodges. Motels are prohibited in the City.

~~“Restaurant, Casual” means an establishment:~~

- ~~a. where foods or beverages are prepared for consumption that occurs in the building, on the premises, within a motor vehicle parked on the premises, or off premises; and~~
- ~~b. whose operation includes one or more of the following characteristics:~~
  - ~~i. food or beverages are served to the occupants of a motor vehicle (e.g., drive thru window or drive in); and~~
  - ~~ii. food and beverages are usually served over a general service counter whether or not there is a seating area within the restaurant.~~

“Restaurant, Takeout/Deli” means a shop, store, or business no larger than 2,000 square feet with limited onsite seating and ~~a~~ more than 50% of business typically consisting of take-out. ~~, without a drive thru window.~~

~~Restaurant, Sit Down” means an establishment that provides, as a principal use, foods and beverages prepared for consumption primarily on premise and may include a take-out or curbside service so long as such is not the principal use of the establishment. within or without the establishment with no drive up or drive thru window or drive in and whose operation includes the following characteristics:~~

- ~~a. customers are customarily served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and a restaurant employee customarily clears the table of trash and food; and~~
- ~~b. take-out service may be provided so long as it is not the principal business of the establishment and no drive up or drive thru window, or drive in, is utilized.~~

“Stacking” means an area provided for vehicles waiting to go through a drive-thru lane.

**Chapter 19.04. Establishment of Land Use Zones and Official Map.**

**Sections:**

- 19.04.01. Purpose.**
- 19.04.02. Land Use Zones and Classification Established.**
- 19.04.03. Application of Land Use Zone Regulations.**
- 19.04.04. Official Zoning Map.**
- 19.04.05. Land Use Zone Boundary Interpretation.**
- 19.04.06. Purpose and Intent of Agricultural & Residential Zones.**
- 19.04.07. Land Use Regulations, Agricultural & Residential Zones.**
- 19.04.08. Permitted ~~and Conditional~~ Uses, Agricultural & Residential Zones.**
- 19.04.09. Purpose and Intent of Non-Residential and Mixed Use Zones.**
- 19.04.10. Land Use Regulations, Non-Residential and Mixed Use Zones.**
- 19.04.11. Permitted ~~and Conditional~~ Uses, Non-Residential and Mixed Use Zones.**
- 19.04.12. Mixed Waterfront Zone.**
- 19.04.13. Mixed Residential Zone.**

**19.04.08. Permitted ~~and Conditional~~ Uses, Agricultural & Residential Zones.**

The following table lists the Permitted ~~and Conditional~~ uses for the Residential Zones in the City of Saratoga Springs. Empty boxes mean that the use is prohibited in that zone. Uses not listed are also prohibited.

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR <sup>2**</sup>
Agriculture	P	P	P										
Animal Hospital, Large/Large Veterinary Office	P	P											
Apiary (see §§ 19.05.08)	P	P	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast	<del>PC</del>	<del>PC</del>	<del>PC</del>	<del>PC</del>	<del>PC</del>	€	€	€					
Cannabis Production Establishments as defined by Utah Code	P												
<del>Cemetery</del>	€	€	€	€	€	€	€	€	€	€	€	€	
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P					
<del>Child Care Center</del>	€	€	€	€	€	€	€	€	€	€	€	€	€
Church	P	P	P	P	P	P	P	P	P	P	P	P	P
<del>Dairy</del>	€	P											
Dwelling, Accessory Unit <sup>***3</sup>													

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR <sup>2**</sup>
Dwelling, Multi-Family										P	P	P	P
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Three-Family									P	P	P	P	P
Dwelling, Two-Family								P	P	P	P	P	P
Educational Center	€	€	€	€	€	€	€	€	€	€	€	€	€
Equestrian Center	<u>P</u> €	<u>P</u> €											
Farm Animals (see Section 19.05.05)	P	P	P										
Farmer's Market	<u>P</u> €	<u>P</u> €	<u>P</u> €										€
Golf Course	P	P	P	P	€	€	€	€					€
Home Occupations	See §19.08												
Kennel, Private	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €										
Livestock Auction Yard	<u>P</u> €	€											
Plant and Tree Nursery	P	<u>P</u> €	<u>P</u> €										
Preschool			€	€	€	€	€	€	€	€	€	€	€
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P	P
Public and private utility building or facility	<u>P</u> <sup>4</sup> €												
Public Building or Facilities (City Owned)	<u>P</u> <sup>4</sup> €												
Public Parks, playgrounds, recreation areas, or other park improvements*1	P	P	P	P	P	P	P	P	P	P	P	P	P
Refueling Station, Private	P												
Residential Facilities for Elderly Persons	<u>P</u> €												
Residential Facilities for Persons with a	P	P	P	P	P	P	P	P	P	P	P	P	P

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR <sup>2**</sup>
Disability													
Riding Arena (Commercial)	<u>P<sup>4</sup>C</u>	<u>P<sup>4</sup>C</u>	C										
Riding Arena (Private)	P	P	P										
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	<u>P<sup>4</sup>C</u>	<u>P<sup>4</sup>C</u>	<u>P<sup>4</sup>C</u>	<u>P<sup>4</sup>C</u>	<u>P<sup>4</sup></u>								
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P
Stables	P	P	<u>P<sup>4</sup>C</u>										
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P	P
	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR

**P = Permitted C = Conditional**

<sup>\*1</sup> A neighborhood meeting is required for all public parks, public playgrounds, public recreation areas, or other public park improvements prior to new construction. City staff will notify residents within the subdivision or neighborhood area prior to any meeting. Any proposal for a regional park within the City will also be required to go Through a Site Plan review according to the requirements within the Land Development Code.

<sup>\*\*2</sup> In addition to those support commercial uses listed in this table, the MR or MU zone allows as Permitted ~~and Conditional~~ Uses those listed in the Neighborhood Commercial Zone (NC) in 19.04.11.

<sup>\*\*\*3</sup> Permitted if approved as part of a Community Plan in the Planned Community Zone.

<sup>4</sup> Additional Standards as provided in other sections of this Title 19; see a City Planner for more details

#### 19.04.11. Permitted ~~and Conditional~~ Uses, Non-Residential and Mixed Use Zones.

The following table lists the Permitted ~~and Conditional~~ uses for the Nonresidential Zones in the City of Saratoga Springs. Empty boxes mean that the use is prohibited in that zone. Uses not listed are also prohibited.

**P= Permitted C= Conditional**

	NC	CC	RC <sup>*1</sup>	MU	OW	I	MW	BP	IC	PSBL
Alcoholic Beverage, State Liquor Store			P							
<del>Animal Hospital, Large/Large Veterinary Office</del>			C		C					
Animal Hospital, Small/Small Veterinary Office	<u>P<sup>4</sup>C</u>	P	P	<u>P<sup>4</sup>C</u>	P					
Arts & Crafts Sales	<u>P<sup>4</sup>C</u>	P	P	P			P			
Automobile Rental & Leasing Agency, <del>10 or fewer total vehicles</del>		C	<u>P<sup>4</sup>C</u>		<u>P<sup>4</sup>C</u>	<u>P<sup>4</sup></u>		<u>C<sup>4</sup></u>		

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Automobile Rental & Leasing Agency, more than 10 total vehicles			€		€	P		€ <sup>A</sup>		
Automobile Repair, Major					€	<u>P</u> <sup>4</sup> €				
Automobile Repair, Minor			<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €		€ <sup>F</sup>		
Automobile Sales			<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup>	<u>P</u> <sup>4</sup> €				
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup>				
Bakery, Commercial					<u>P</u> €	<u>P</u> €				
Bakery, Retail	P	P	P	P	<u>P</u>	<u>P</u>	P	<u>P</u> <sup>A</sup> €		
Bed and Breakfast				<u>P</u> €			<u>P</u> €			
Bookstore	P	P	P	P			P	<u>P</u> <sup>A</sup> € <sup>F</sup>		
Building Material Sales (with outdoor storage)			€		€	P				
Building Material Sales (without outdoor storage)			<u>P</u> €		<u>P</u> €	<u>P</u> €				
Bus Lot										P
Cannabis Production Establishments as defined by Utah Code						P				
Car Wash (full service)		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €					€ <sup>A</sup>		
Car Wash (self service)		€	<u>P</u> <sup>4</sup> €		<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €				
Child Care Center	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €	<u>P</u> <sup>4</sup> €			€ <u>P</u> <sup>4A</sup>	€ <u>P</u> <sup>4A</sup>	<u>P</u> <sup>4</sup>	
Churches	<u>P</u> €	<u>P</u> €	<u>P</u> €	<u>P</u> €			<u>P</u> €		P	
Commercial & industrial laundries					€	P				
Commercial Recreation		<u>P</u> €	<u>P</u> €	<u>P</u> €	<u>P</u> €	€	P			
Commuter/Light Rail Station	<u>P</u> €	<u>P</u> €	P	<u>P</u> €	P	P	<u>P</u> €	<u>P</u> €	<u>P</u> €	
Contractor construction services establishments					<u>P</u> €	P				
Contractor Services Office					P	P				
Convenience Store		<u>P</u> €	P	<u>P</u> €	<u>P</u> €			€ <u>P</u> <sup>E</sup>		

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Convenience Store/Fast Food Combination		<u>P</u>	<u>PE</u>		<u>P</u>			<u>PE</u> <sup>E</sup>		
Copy Center	<u>PE</u>	P	P	P	<u>PE</u>			<u>PE</u> <sup>A</sup>		
Crematory/Embalming Facility					€	<u>PE</u>				
<u>Drive-thru</u>		<u>P</u> <sup>4</sup>			<u>P</u> <sup>4</sup>					
Dry Cleaners	<u>PE</u>	P	P	P				<u>PE</u> <sup>E/A</sup>		
Dwelling, Above commercial		€	<u>PE</u>	P			P			
Dwelling, Live/Work				P			P			
Dwelling, Multi-Family				P			P			
Dwelling, Single-Family				P			P			
Dwelling, Three-Family				P			P			
Dwelling, Two-Family				P			P			
Educational Center	<u>PE</u>	<u>PE</u>	<u>PE</u>	<u>PE</u>	<u>PE</u>			<u>PE</u>	P	
Electronic Media Rental & Sales		P	P	<u>PE</u>						
Electronic Sales & Repair			P	<u>PE</u>				<u>PE</u> <sup>A</sup>		
Equipment Sales & Services			<u>PE</u>			P				
Financial Institution	<u>P</u>	P	P	P				P <sup>A</sup>		
Fitness Center (5,000 sq. ft. or less)	P	P	P	P	P		P	P <sup>A</sup>		
Fitness Center( 5,001 sq. ft. or larger)	€	€	<u>PE</u>	<u>PE</u>	<u>PE</u>			<u>PE</u> <sup>A</sup>		
Floral Sales	P	P	P	P			P	P <sup>A</sup>		
<del>Funeral Home (5,000 sq. ft. or less)</del>	€	<u>PE</u>	<u>PE</u>	<u>PE</u>					<u>P</u>	
<del>Funeral Home (larger than 5,000 sq. ft.)</del>	€		€	€						
<u>Golf Course</u>									<u>P</u>	
Grocery Store		P	P	<u>PE</u>			P			
<del>Hair Salon</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>			
Hardware & Home Improvement Retail			P	€						
Home Occupations	See §19.08		See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08
Hospital		€	P					€	<u>P</u>	

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Hotels			<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup></u>	€	€	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>		
Ice Cream Parlor	P	P	P	P			P	€ <u>P<sup>A</sup></u>		
Impound Yard						<u>P€</u>				
Kennel, Commercial			<u>P€</u>		€	P				
Laundromat	<u>P</u>	<u>P€</u>	<u>P€</u>	<u>P</u>	<u>P€</u>	€				
Library		P	P	P					P	
Light Manufacturing					<u>P€</u>	<u>P€</u>		€		
Marina							P			
<b>Mining</b>						€				
Motels			€		€	€	€			
Neighborhood Grocery Store	<u>P</u>	P		P			P			
Non-Depository Institutions			<u>P<sup>4</sup>€</u>							
Office, High Intensity					P	<u>P€</u>		<u>P€</u>		
Office, Medical and Health Care	€	P	P	<u>P€</u>				P	€ <sup>A</sup>	
Office, Professional	€	P	P	P	P	€	P	P		
Public Parks, playgrounds, recreation areas, or other park improvements	P	P	P	P	P	P	P	P	P	P
Pawn Shop					<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>				
Personal Service Establishment	<u>P€</u>	<u>P€</u>	<u>P€</u>	<u>P€</u>	<u>P€</u>		<u>P€</u>	€ <u>P<sup>A</sup></u>		
Plant & Tree Nursery	€	<u>P€</u>	<u>P€</u>		€	P				
Postal Center	<u>P€</u>	<u>P€</u>	P	<u>P€</u>	<u>P€</u>			P <sup>A</sup>	P	
Preschool	€	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>			€ <u>P<sup>4A</sup></u>	€ <u>P<sup>4A</sup></u>		
Printing, lithography & publishing establishments					<u>P€</u>	<u>P€</u>		P		
Public & private utility building or facility			<u>P<sup>4</sup>€</u>		<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>		<u>P<sup>4</sup>€</u>	<u>P<sup>4</sup>€</u>
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	P	
Reception Centers		<u>P€</u>	P	<u>P€</u>			P	<u>P€</u>		
Recreation Center		<u>P</u>	<u>P€</u>		<u>P</u>	€	<u>P€</u>			
Recreation Rentals			P			<u>P</u>	P			
<b>Recreational Vehicle Sales</b>			€							

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
Recycling Facilities						<u>PE</u>				
Refueling Station, Public		<u>P4E</u>	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>				
Refueling Station, Private	E	<u>P4E</u>	P4	P4	P4	P4	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>	<u>P4E</u>
Research & Development		E	E		<u>PE</u>	<u>PE</u>		P	<u>EP</u> <sup>A</sup>	
Residential facilities for elderly persons				<u>PE</u>			<u>PE</u>			
Residential Facilities for Persons with a Disability				<u>PE</u>			<u>PE</u>			
<del>Restaurant, Casual</del>		P	P		E		<u>E</u> <sup>E</sup>	<u>E</u> <sup>E</sup>		
Restaurant, <u>Takeout Deli</u>	P	P	P	P	<u>P</u>		P	<u>EP</u> <sup>A</sup>		
Restaurant, <u>Sit Down</u>	P	P	P	P	P		P	<u>P</u> <sup>A/E</sup>		
Retail Sales	P	P	P	P	P		P	<u>EP</u> <sup>A</sup>		
Retail, Big Box			<u>PE</u>							
Retail, Specialty	P	P	P	P	P		P			
Retail, Tobacco Specialty Store					E	<u>P4E</u>				
School, Public	P	P	P	P	P	P	P	P	P	P
School, Trade or Vocational					P	P		P	P	
Sexually Oriented Businesses						P4				
Shooting Range, indoor- <del>or</del> -outdoor			<u>P</u>		<u>PE</u>	<u>PE</u>				
Storage, Self-Storage, or Mini Storage Units					<u>P4E</u>	<u>P4E</u>				
Storage, Outdoor						<u>P4E</u>				
Storage, Vehicle						<u>P4E</u>				
Tattoo <u>Shop Parlor</u>			<u>P</u>		<u>P</u>	E				
Temporary Sales Trailer				T						
Temporary Use Trailer, Portable, Prefabricated or Manufactured Building										
Theater		<u>PE</u>	<u>PE</u>							
Transit-Oriented Development (TOD)		P	P	P			P	<u>PE</u>		

	NC	CC	RC*1	MU	OW	I	MW	BP	IC	PSBL
<p><sup>A</sup> The noted Uses shall be allowed in the listed zones as an ancillary use only.</p> <p><sup>E</sup> The noted Uses shall be allowed in the listed zones as an edge use only. <u>See §19.05.</u></p> <p><sup>*1</sup>As an ancillary component of the identified Permitted <del>and Conditional</del> Uses, employers may offer Child Care Center services for their employees. The provision of such services shall require <del>Conditional Use</del>City approval.</p> <p><sup>4</sup> <u>Additional Standards as provided in other sections of this Title 19; see a City Planner for more details.</u></p>										

**19.05.16. Special Standards and Considerations Governing Particular Uses.**

**1. Hotels.**

- a. No hotel shall be located within 500 feet of an existing school or public or private park as measured from the hotel building to the property boundary of the school or public or private park.
- b. No hotel shall be located within 300 feet of an existing residentially- zoned property as measured from the hotel building to the property boundary of the nearest residential zone (excluding Mixed Use and Mixed Waterfront zones).
- c. Travel trailers, campers, and other similar recreational vehicles shall not be occupied on the premises of a hotel facility or used in any way to provide additional accommodations for the hotel occupants.
- d. The site plan shall be designed to allow for visibility from the public right-of-way for police officers in patrol vehicles. The City of Saratoga Springs Police Department shall provide recommendations regarding the security of the site.
- e. Applications shall include a security management plan that outlines how the hotel will address potential criminal activities at the site. The security management plan shall include the following:
  - i. Outdoor lighting to remove “hiding places”. Lighting for safety and security shall be provided for all areas of the site that are not covered by a building, including all walkways and trash storage areas.
  - ii. Building entrance monitoring.
  - iii. Surveillance system that, at a minimum, covers the parking lot and registration areas.

**2. Kennel, Private**

- a. Outside runs or areas shall be a minimum of 300 feet from any dwelling other than the dwelling of the owner and the run or yard area shall be enclosed with a 6-foot sight obscuring fence.
- b. The structure(s) housing the animals shall be large enough to accommodate all animals and shall comply with the City noise and nuisance regulations in Title 10.
- c. Should the City receive complaints regarding the noise levels of the private kennel, the property owner shall retain the services of a qualified acoustical engineer if necessary to demonstrate compliance with Title 10.

**3. Storage, Self Storage, or Mini Storage Units**

- a. May not be located within half a mile of existing storage units.
- b. OR the recommendation may be to leave as is.

**19.09.10. Required Minimum Parking.**

The table below indicates the minimum requirement for each use; unless otherwise identified, in no case may the minimums be exceeded by more than 25%.

Use	Parking Requirement
<del>Animal Hospital, Large/Large Veterinary Office</del>	<del>4 stalls per 1000 sq. ft.</del>
Contractor Construction Services Establishments	4 stalls per 1000 sq. ft.
<u>Drive-thru**</u>	<u>bank or financial institution (including ATMs): minimum 3 stacking spaces per lane</u> <u>food or beverage facility: minimum 5 stacking spaces</u>
<del>Hair Salon</del>	<del>4 stalls per 1000 sq. ft.</del>
<del>Mining</del>	<del>1.5 stalls per person employed on highest employee shift.</del>
<del>Motels</del>	<del>2 stalls per motel room, plus 1 space per 3 seats of meeting space</del>
<del>Recreational Vehicle Sales</del>	<del>See Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales &amp; Service.</del>
<del>Restaurant, Casual</del>	<del>1 stall per 100 sq. ft.</del>
Restaurant, <del>Del</del> <u>Takeout</u>	5 stalls per 1000 sq. ft.
Restaurant, <del>Sit Down</del>	1 stall per 100 sq. ft.
Shooting Range, Indoor- <del>or Outdoor</del>	1 stall per shooting lane, plus 4 stalls per 1000 sq. ft. of office/retail space.
Tattoo <del>Parlor</del> <u>Shop</u>	4 stalls per 1000 sq. ft.

\* Tandem parking spaces within a garage will only be counted as one parking space for residential uses.

\*\* Exception – the minimum for these uses may be exceeded by more than 25%.

### 19.09.11. Drive-thru Requirements

1. Each stacking space shall accommodate one vehicle and be no less than 20 feet in length from the point of service.
2. All drive-thru facilities must provide at a minimum 3 stacking spaces (60') per lane. See Table 19.09.10. for additional requirements by use.
3. Entrances and exits of drive-thru lanes shall be clearly marked to designate the direction of traffic flow.
4. A Final Traffic report shall be provided and approved to demonstrate how all queuing shall be contained within the property, business, or use and not affect the surrounding roads. Stacking shall be designed so that it does not have the potential to overflow onto the street or adjacent property, business, or use.
5. Landscaping shall be provided as described below:
  - a. A three foot (3') wide raised median or planter between the drive-thru aisle and the parking

- area.
- b. All drive-thru lanes adjacent to public streets shall have landscaped strips of not less than ten feet in width placed between the sidewalk and the drive-thru lanes that contain a berm, hedge, or screen wall with a minimum height of three feet to minimize intrusion of lighting from headlights and other lighting from surrounding properties.

**19.15.01 Purpose.**

1. In General

- a. The purpose of this Chapter is to establish standards for the approval of conditional uses in the City. In accordance with Utah law, a conditional use shall be entitled to approval if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental impacts of the proposed conditional use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. The purpose of this Chapter is to establish the applicable standards for the imposition of reasonable conditions and the standards for which a conditional use may be granted or denied.

2. Discontinuation of Conditional Use Permits

- a. Effective DATE, it is the intent of the City Council to discontinue the use of Conditional Use Permits.
- b. This chapter shall remain a part of the Land Development Code solely for the purpose of governing uses that have nonconforming rights pursuant to existing, approved, and unexpired CUPs.



# MINUTES – CITY COUNCIL

Tuesday, February 18, 2020

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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1  
2  
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6  
7 **City Council Policy Meeting**  
8

9 **Call to Order:** Mayor Jim Miller called the Meeting to order at 6:04 p.m.

10  
11 **Roll Call:**

12 Present Mayor Jim Miller, Council Members Chris Porter, Christopher Carn, and Stephen Willden.

13  
14 Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager  
15 Owen Jackson, Economic Development and Public Relations Director David Johnson, City  
16 Engineer Gordon Miner, Building Director Mark Chesley, Police Chief Andrew Burton,  
17 Finance Director Chelese Rawlings, Fire Chief Jess Campbell and Deputy City Recorder  
18 Kayla Moss.

19  
20 Invocation by Council Member Willden  
21 Pledge of Allegiance by Council Member Carn

22  
23 **PUBLIC INPUT:** None

24  
25 **REPORTS:** Council Member Porter attended LPC a week ago. Something to be aware of is HB 273. This is trying  
26 to change the property ombudsman office. It would be very detrimental to cities.

27  
28 Mayor Miller advised that UTA has reached out to the City. They obtained \$60,000 to do a study for Eagle  
29 Mountain and Saratoga Springs to look at the needs for transportation in the area.

30  
31 Building Director Mark Chesley gave the building department update to the City Council.

32  
33 Police Chief Andrew Burton gave the police department update to the City Council.

34  
35 Fire Chief Jess Campbell gave the fire department update to the City Council.

36  
37 **PUBLIC HEARING:**

38 1) FY 2020 Budget Amendments; Resolution R20-10 (2-18-20).  
39 Finance Director Chelese Rawlings advised that the amendments in the packet have to do with positions that  
40 have been added that have previously been discussed. It is also for the structural changes that needed to  
41 happen with City Hall after the police department moved.

42  
43 Mayor Miller opened the public hearing at 6:39 p.m. There were no comments so the public hearing was  
44 closed.

45  
46 Motion by Council Member Porter made a motion to approve the FY 2020 Budget Amendments;  
47 Resolution R20-10 (2-18-20) was seconded by Council Member Carn.

48 Vote: Council Members Porter, Carn, and Willden– Aye.

49 Motion carried unanimously.  
50

51  
52 **BUSINESS ITEMS:**  
53  
54 1) **2<sup>nd</sup> Quarter FY 2020 Budget Financial Statements.**  
55 Finance Director Rawlings advised that revenue has come in above what was budgeted. The City is staying  
56 within budget and doing well.  
57  
58 2) **Jordan Promenade (Wander) Village Plan 1 Major Amendment, Sidney Allsop Oakwood Homes**  
59 **Applicant, Riverside Drive and 400 South; Ordinance 20-3 (2-18-20).**  
60 Planning Director Dave Stroud reviewed the village plan amendments with the City Council. The applicant  
61 would like to reduce the commercial area and move part of it across Pony Express. There was also a spot  
62 reserved for an LDS church which is no longer needed and they would like to replace it with homes. They would  
63 also like to allow convenient stores as a permitted use.  
64  
65 Council Member Willden isn't concerned with moving the neighborhood commercial but he would like to see  
66 that it is conditioned on where it will be moved to.  
67  
68 Council Member Porter would also like to make sure that the neighborhood commercial is replaced  
69 somewhere else and not turn into houses.  
70  
71 Motion by Council Member Carn to approve the Jordan Promenade (Wander) Village Plan 1 Major  
72 Amendment, Sidney Allsop Oakwood Homes Applicant, Riverside Drive and 400 South; Ordinance 20-3 (2-18-  
73 20) with all staff findings and conditions and that neighborhood commercial acreage will go into the next village  
74 plan to the north and strike need for private/public fuel station was seconded by Council Member Porter.  
75 Vote: Council Members Porter, Carn, and Willden– Aye.  
76 Motion carried unanimously.  
77  
78 3) **Standard Technical Specifications and Drawings Manual Amendment; Ordinance 20-4 (2-18-20).**  
79 City Engineer Gordon Miner advised that this will amend the Master Transportation Plan because of changes  
80 that happened with Mountainland Association of Governments. The road classification was changed that  
81 affects the DR Horton Northshore development and Perelle Meadows. This needs to be updated to be able to  
82 move forward with development.  
83  
84 Motion by Council Member Porter to approve the Standard Technical Specifications and Drawings Manual  
85 Amendment; Ordinance 20-4 (2-18-20) was seconded by Council Member Willden.  
86 Vote: Council Members Porter, Carn, and Willden– Aye.  
87 Motion carried unanimously.  
88  
89 4) **Professional Services Contract with Tanner Company for Strategic Plan Update; Resolution R20-11 (2-**  
90 **18-20).**  
91 Assistant City Manager Owen Jackson advised the Council that the City has worked with Tanner Company  
92 previously and they were able to give a quote of \$25,950.  
93  
94 Motion by Council Member Willden to approve Professional Services Contract with Tanner Company for  
95 Strategic Plan Update; Resolution R20-11 (2-18-20) in the amount of \$25,950, was seconded by Council  
96 Member Carn.  
97 Vote: Council Members Porter, Carn, and Willden– Aye.  
98 Motion carried unanimously.  
99  
100 **MINUTES:**  
101  
102 1. February 4, 2020.

103  
104 Motion by Council Member Porter to approve the Minutes of February 4, 2020, with the submitted and posted  
105 changes, was seconded by Council Member Carn.  
106 Vote: Council Members Poduska, McOmber, Willden, and Carn – Aye  
107 Motion carried unanimously.

108  
109 **CLOSED SESSION:**

110  
111 Motion by Council Member Willden to enter into closed session for the purchase, exchange, or lease of  
112 property, discussion regarding deployment of security personnel, devices, or systems; pending or reasonably  
113 imminent litigation, the character, professional competence, or physical or mental health of an individual, was  
114 seconded by Council Member Porter.  
115 Motion Carried Council Members Unanimously in Favor

116  
117 The meeting moved to closed session at 6:59 p.m.

118  
119 Present: Mayor Miller, Council Members Willden, Carn, Porter, City Manager Mark Christensen, City Attorney  
120 Kevin Thurman, Deputy City Recorder Kayla Moss.

121  
122 Closed Session adjourned at 7:22 p.m.

123  
124 **ADJOURNMENT:**

125  
126 There being no further business, Mayor Miller adjourned the meeting at 7:22 p.m.

127  
128 \_\_\_\_\_  
129 Jim Miller, Mayor

130  
131 Attest:  
132 \_\_\_\_\_

133 Cindy LoPiccolo, City Recorder  
134 Approved:



# MINUTES – CITY COUNCIL

**Tuesday, March 3, 2020**

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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## City Council Policy Meeting

**Call to Order:** Mayor Jim Miller called the Policy Meeting to order at 6:00 p.m.

### **Roll Call:**

**Present** Mayor Jim Miller, Council Members Stephen Willden, Ryan Poduska, and Christopher Carn. Council Members Michael McOmber and Chris Porter attended the meeting via teleconference.

**Staff Present** City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Economic Development and Public Relations Director David Johnson, City Engineer Gordon Miner, Planning Director David Stroud, Fire Chief Jess Campbell, Police Chief Andrew Burton, Senior Planner Sarah Carroll, Planner Rachel Day, and City Recorder Cindy LoPiccolo.

Invocation by Council Member Poduska.

Pledge of Allegiance led by Council Member Carn.

**Public Input:** Tanya Parker, Saratoga Springs HOA President, requested the roads in Fox Hollow Neighborhood 4 be made public or city maintained as much as possible, and all driveways for the units be full length not an apron product which has caused ongoing parking problems.

### **REPORTS:**

Council Member Willden reported his attendance of the State legislative update. City Manager Christensen reported concerning HB273.

Council Member Carn reported he had the opportunity to teach AP Human Geography classes at Vista Heights and Lake Mountain schools that included planning principles, and sewer and water systems information.

City Manager Christensen reported the Police Awards Luncheon was held today, he appreciates all the Officer's hard work and Council's support.

### **BUSINESS ITEMS:**

1) **Library Board By-Laws and Code Amendment, Title 3.05.03; Resolution R20-12 (3-3-20); Ordinance 20-5 (3-3-20).** Assistant City Manager Jackson presented the staff report and recommendation to update the Library Advisory Board Bylaws and modify Title 3 in order to reduce the number of Library Board position from seven to five making attendance for a quorum to be three which greater facilitate the Library Advisory Board to continue to function and meet the requirements outlined in the By-Laws.

Motion by Council Member Willden to approve the Library Board By-Laws and Code Amendment, Title 3.05.03, Resolution R20-12 (3-3-20), and Ordinance 20-5 (3-3-20), was seconded by Council Member Carn.  
Vote: Council Members Poduska, Willden, Carn, Porter, and McOmber – Aye.  
Motion carried unanimously.

2) **The Villages at Saratoga Springs (Fox Hollow) Neighborhoods 4, 12, 13, Rezone, General Plan Amendment, Master Development Agreement (MDA) Amendment, and Neighborhood 4 Concept Plan Review, Chad Bessinger Applicant, ~3100 South Redwood Road; Ordinance 20-6 (3-3-20).** Senior Planner Sarah Carroll presented the staff report concerning request to modify land uses and zoning in Neighborhoods 4, 12 and 13 within the Fox Hollow development, and MDA amendment. The Applicant requests the MDA be amended in order to retain 10 acres of commercial in Neighborhood 4 and that it be zoned Community Commercial, this results in an increase of the R-1-10 PUD zoning, however, there is no request for increase in units keeping the 335 units previously approved which results in a decrease in density from 9 units per acre to 7.59 units per acre. The land use map for Neighborhood 4 is proposed to be amended from Regional Commercial (RC) and High Density Residential to 10 acres of Community Commercial (CC) with the remainder as High Density Residential.

The Applicant further proposes 10.76 acres of Community Commercial zoning in Neighborhood 13 adjacent to the future Foothill Boulevard Freeway to replace the current zoning of R-1-10 PUD allowing 125 units at 6 units per acre. The land use map for Neighborhood 13 would be amended from Medium Density Residential to Community Commercial.

The proposed Neighborhood 4 Concept Plan indicates 337 units will be reduced to 335 units to comply, the HOA recommends full length driveways for parking, proposed variations, public and private roads will be identified with the Preliminary Plat application. The proposed concept plan indicates lots vary from the R-1-10 base standards, which is allowed within a PUD due to the approved density.

Council Member Carn commented regarding the proposed 50-50 split of commercial with Community Commercial zoning to open more opportunities for commercial development, expressed concern with misuse of guest parking if used as a parking solution, enforcement by sub HOA would be required. Council Member Willden agreed with concern about guest parking noting there should not be additional burden placed on the rest of the development residents, can support the 50-50 commercial split clarifying units remain as single family. Council Member Poduska agreed with concerns regarding guest parking, driveway length should follow code and there should not be a burden on the rest of the HOA. Council Member Willden agreed with the requirement to follow code. City Attorney Thurman advised the Master HOA should have bylaws with rules about adding property and maintenance by sub-associations. Council Member Porter expressed support for the 50-50 split and change in zoning to Community Commercial however has a concern ten acres is not enough at that interchange, agrees with not inserting the City into an HOA matter, agrees if the driveway length is coming in beyond code it must not cause a parking problem for residents. Council Member McOmber commented he is also in agreement with the commercial split and rezone to Community Commercial noting the west side can come back and ask for more to meet demands, in regard to the driveway length if an exception comes back he would not be in favor of shortening, cars should not hang out over the sidewalk or road.

Motion by Council Member Willden to approve Master Development Agreement Amendments, Rezones, and General Plan Amendments for Fox Hollow Neighborhoods 4, 12, and 13 as presented in the report and exhibits, with the findings and conditions, Ordinance 20-6 (3-3-20), was seconded by Council Member Poduska  
Vote: Council Members McOmber, Porter, Carn, Willden, and Poduska – Aye.  
Motion carried unanimously.

3) **Code Amendments, Title 19, Conditional Uses; Ordinance 20-7 (3-3-20).** Planning Director Dave Stroud and Planner Rachel Day presented the staff report and summary of the proposed changes to the Land Use tables in regard to Conditional Uses. The changes are in accordance with Council policy direction given at a Special Meeting on January 23, 2020 wherein Council approved initiating proceedings pursuant to Utah Code §10-9a-509(1)(a)(ii)(B) to remove Conditional Uses within all Title 19 zoning designations. This amendment is based on other city standards and changes the designation of the Conditional Uses by either removing them, changing them to permitted uses or permitted uses that will have associated standards and considerations. Director Stroud advised additional uses will be brought back for consideration of inclusion.

Council discussed the standards in regard to drive-through restaurants in Neighborhood Commercial (NC) zone, distance standards for hotels to schools and residential, half-mile separation of storage facilities, grandfathering of current legal private kennels, code enforcement monitoring of travel trailers, tattoo shops only in Industrial zone. Council expressed appreciation for the work by Planning and special thanks to Planner Day. Director Stroud advised other use standards will be brought back to Council i.e. commuter light rail stations.

Motion by Council Member Willden to approve Title 19 Code Amendments within Chapters 19.02, 19.04, 19.05, 19.09, and 19.15, modifying to allow drive-through restaurants in Neighborhood Commercial (NC), tattoo shops permitted in Industrial zone only, requiring ½ mile separation of storage units, hotel distance changed from 300 to 500 feet but if separated by an Arterial road it can be reduced to 300 feet measuring from hotel structure to property line but not in the back or side of the hotel, adding cemetery Institutional/Civic zoning, Ordinance 20-7 (3-3-20), was seconded by Council Member Porter  
Council Member Carn advised he will dissent as he does not agree with drive-through in Neighborhood Commercial zones, the zone should create a buffer and the drive-through defeats the purpose and increases traffic.

Vote: Council Members Poduska, McOmber, Willden, and Porter – Aye. Council Member Carn – Nay.  
Motion carried 4-1.

**MINUTES:**

1) **February 18, 2020.**

Motion by Council Member Willden to approve the Minutes of February 18, 2020 as written, was seconded by Council Member Porter.

Vote: All in favor.

Motion carried unanimously.

**ADJOURNMENT:**

There being no further business, Mayor Miller adjourned the meeting at 7:44 p.m.

  
Jim Miller, Mayor

Attest:

  
Cindy LoPiccolo, City Recorder

Approved: 3-17-20

