



AGENDA – Special City Council Meeting

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

CITY OF SARATOGA SPRINGS

Tuesday, January 23, 2020, 4:00 pm

City of Saratoga Springs Council Chambers

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

SPECIAL MEETING

1. Call to Order.
2. Roll Call.
3. Invocation / Reverence.
4. Pledge of Allegiance.

BUSINESS ITEM:

1. Consideration of Resolution to Initiate Proceedings Under the Pending Ordinance Doctrine in Utah Code Section 10-9a-509 and City Code Section 19.02.02(206) With Respect to Removal of Conditional Uses; Resolution R20-8 (1-23-20).

ADJOURNMENT

Councilmembers may participate in this meeting electronically via video or telephonic conferencing. The order of the agenda items are subject to change by the Mayor. Citizens may address the Council during Public Input which has been set aside to express ideas, concerns, and comments on issues not listed on the agenda as a Public Hearing. All comments must be recognized by the Mayor and addressed through the microphone. Final action may be taken concerning any topic listed on the agenda.

Decorum - The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others.

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.

RESOLUTION NO. R20-8 (1-23-2020)

**A RESOLUTION OF THE CITY OF SARATOGA SPRINGS
FORMALLY INITIATING PROCEEDINGS UNDER THE
PENDING ORDINANCE DOCTRINE IN UTAH CODE
SECTION 10-9A-509 AND CITY CODE SECTION
19.02.02(206) TO REMOVE CONDITIONAL USES FROM
THE LAND DEVELOPMENT CODE**

WHEREAS, Utah Code § 10-9a-509(1)(a)(ii)(B) allows the City of Saratoga Springs, Utah (“City”) to require future land use applications to comply with ordinances not yet officially passed so long as the City has formally initiated proceedings to amend its ordinances in accordance with City procedures, thus protecting the City from misapplication of its land use ordinances; and

WHEREAS, this procedure is termed the “pending ordinance” doctrine in § 19.02.02(206) of the City’s Land Development Code; and

WHEREAS, section 19.02.02(206) of the Land Development Code states that the pending ordinance doctrine is initiated when an ordinance or zoning amendment has first been reviewed by the City Council and has been included or attached to a resolution indicating the Council’s intent to initiate proceedings to amend; and

WHEREAS, in conformance with Utah Code § 10-9a-509(1)(a)(ii), section 19.02.02(206) of the Land Development provides that a pending ordinance is binding on any complete land use application or complete building permit application filed with the City prior to final approval of the pending ordinance; and

WHEREAS, the City Council wishes to: (a) invoke the pending ordinance doctrine; and (b) formally initiate proceedings to amend the Land Development Code; and (c) subject future land uses to the regulations being promulgated by the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council as follows:

1. The Saratoga Springs City Council—in accordance with Utah Code § 10-9a-509(1)(a)(ii) and Saratoga Springs Land Development Code § 19.02.02(206)—hereby formally initiates proceedings to amend the Land Development Code with respect to removal of conditional uses. Attached hereto as Exhibit A is an initial draft of the amendments to the Land Development Code.
2. The City Council requests that the Saratoga Springs Planning Commission—at the earliest available opportunity—consider the proposed changes and submit a recommendation to the Saratoga Springs City Council consistent herewith.

3. The City Council declares that uses and property in the City shall be subject to the regulations in Exhibit A being promulgated by the City Council, except as those regulations are otherwise amended during the amendment process.

4. This Resolution shall take effect immediately.

APPROVED and **PASSED** this 23rd day of January, 2020.

SARATOGA SPRINGS CITY COUNCIL:

MAYOR JIM MILLER

Attest:

Cindy LoPiccolo, City Recorder

EXHIBIT A

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**
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
Bkd and Breakfast	€	€	€	€	€	€	€	€					
Cannabis Production Establishments as defined by Utah Code	P												
Cemetery	€	€	€	€	€	€	€	€	€	€	€	€	
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P					
Child Care Center	€	€	€	€	€	€	€	€	€	€	€	€	€
Church	P	P	P	P	P	P	P	P	P	P	P	P	P
Dairy	€	P											
Dwelling, Accessory Unit***													
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	€	€											
Farm Animals (see Section 19.05.05)	P	P	P										
Farmer's Market	€	€	€										€
Golf Course	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**
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	See §19.08	See §19.08	See §19.08	See §19.08
kennel, Private	€	€	€										
Livestock Auction Yard	€	€											
Plant and Tree Nursery	P	€	€										
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	€	€	€	€	€	€	€	€	€	€	€	€	€
Public Building or Facilities (City Owned)	€	€	€	€	€	€	€	€	€	€	€	€	€
Public Parks, playgrounds, recreation areas, or other park improvements*	P	P	P	P	P	P	P	P	P	P	P	P	P
Refueling Station, Private	P												
Residential Facilities for Elderly Persons	€	€	€	€	€	€	€	€	€	€	€	€	€
Residential Facilities for Persons with a Disability	P	P	P	P	P	P	P	P	P	P	P	P	P
Riding Arena (Commercial)	€	€	€										
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	€	€	€	€									P
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P
Stables	P	P	€										
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													
* 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.													

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR**
** 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. *** Permitted if approved as part of a Community Plan in the Planned Community Zone.													

(Ord. 19-38, Ord. 19-11, Ord. 18-30, Ord. 18-11, Ord. 17-14, Ord. 17-08, Ord. 16-01, Ord. 15-29, Ord. 14-23-1, Ord. 14-13, Ord. 15-17, Ord. 13-16)

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*	MU	OW	I	MW	BP	IC	PSBL
Alcoholic Beverage, State Liquor Store			P							
Animal Hospital, Large/Large Veterinary Office			€		€					
Animal Hospital, Small/Small Veterinary Office	€	P	P	€	P					
Arts & Crafts Sales	€	P	P	P			P			
Automobile Rental & Leasing Agency, 10 or fewer total vehicles		€	€		€	P		€ ^A		
Automobile Rental & Leasing Agency, more than 10 total vehicles			€		€	P		€ ^A		
Automobile Repair, Major					€	€				
Automobile Repair, Minor			€	-	€	€	-	€ ^B		
Automobile Sales			€	-	-	€				
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			€	-	€	P				
Bakery, Commercial					€	€				
Bakery, Retail	P	P	P	P			P	€		

	NC	CC	RC*	MU	OW	I	MW	BP	IC	PSBL
Bed and Breakfast				€			€			
Bookstore	P	P	P	P			P	P ^A € ^E		
Building Material Sales (with outdoor storage)			€		€	P				
Building Material Sales (without outdoor storage)			€	-	€	€				
Bus Lot										P
Cannabis Production Establishments as defined by Utah Code						P				
Car Wash (full service)		€	€	-	-	-	-	€ ^A		
Car Wash (self service)		€	€	-	€	€				
Child Care Center	€	€	€	€	-	-	€ ^A	€ ^A	-	
Churches	€	€	€	€	-	-	€		P	
Commercial & industrial laundries					€	P				
Commercial Recreation		€	€	€	€	€	P			
Commuter/Light Rail Station	€	€	P	€	P	P	€	€	€	
Contract construction services establishments					€	P				
Contract Services Office					P	P				
Convenience Store		€	P	€	€			€ ^E		
Convenience Store/Fast Food Combination			€	-	-	-	-	€ ^E		
Copy Center	€	P	P	P	€			€ ^A		
Crematory/Embalming Facility					€	€				
Dry Cleaners	€	P	P	P				€ ^{E/A}		
Dwelling, Above commercial		€	€	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			

	NC	CC	RC*	MU	OW	I	MW	BP	IC	PSBL
Educational Center	€	€	€	€	€	-	-	€	P	
Electronic Media Rental & Sales		P	P	€						
Electronic Sales & Repair			P	€	-	-	-	€ ^A		
Equipment Sales & Services			€			P				
Financial Institution		P	P	P				P ^A		
Fitness Center (5,000 sq. ft. or less)	P	P	P	P	P		P	P ^A		
Fitness Center(5,001 sq. ft. or larger)	€	€	€	€	€	-	-	€ ^A		
Floral Sales	P	P	P	P			P	P ^A		
Funeral Home (5,000 sq. ft. or less)	€	€	€	€						
Funeral Home (larger than 5,000 sq. ft.)	€		€	€						
Grocery Store		P	P	€			P			
Hair Salon	P	P	P	P			P			
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					€	P	
Hotels			€		€	€	€	€		
Ice Cream Parlor	P	P	P	P			P	€ ^A		
Impound Yard						C				
Kennel, Commercial			€		€	P				
Laundromat		€	€		€	€				
Library		P	P	P					P	
Light Manufacturing					€	€		€		
Marina							P			
Mining						€				
Motels			€		€	€	€			
Neighborhood Grocery Store		P		P			P			
Non-Depository Institutions			€							
Office, High Intensity					P	€		€		
Office, Medical and Health Care	€	P	P	€				P	€ ^A	
Office, Professional	€	P	P	P	P	€	P	P		

	NC	CC	RC*	MU	OW	I	MW	BP	IC	PSBL
Public Parks, playgrounds, recreation areas, or other park improvements	P	P	P	P	P	P	P	P	P	P
Pawn Shop					€	€				
Personal Service Establishment	€	€	€	€	€		€	€ ^A		
Plant & Tree Nursery	€	€	€		€	P				
Postal Center	€	€	P	€	€			P ^A	P	
Preschool	€	€	€	€			€ ^A	€ ^A		
Printing, lithography & publishing establishments					€	€		P		
Public & private utility building or facility			€		€	€	€		€	€
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	P	
Reception Centers		€	P	€			P	€		
Recreation Center			€			€	€			
Recreation Rentals			P				P			
Recreational Vehicle Sales			€							
Recycling Facilities						€				
Refueling Station, Public		€	€	€	€	€				
Refueling Station, Private	€	€	P	P	P	P	€	€	€	€
Research & Development		€	€		€	€		P	€ ^A	
Residential facilities for elderly persons				€			€			
Residential Facilities for Persons with a Disability				€			€			
Restaurant, Casual		P	P		€		€ ^E	€ ^E		
Restaurant, Deli	P	P	P	P			P	€ ^A		
Restaurant, Sit Down	P	P	P	P	P		P	P ^E		
Retail Sales	P	P	P	P	P		P	€ ^A		
Retail, Big Box			€							
Retail, Specialty	P	P	P	P	P		P			
Retail, Tobacco Specialty Store					€	€				

	NC	CC	RC*	MU	OW	I	MW	BP	IC	PSBL
School, Public	P	P	P	P	P	P	P	P	P	P
School, Trade or Vocational					P	P		P	P	
Sexually Oriented Businesses						P				
Shooting Range, indoor or outdoor					€	€				
Storage, Self-Storage, or Mini Storage Units					€	€				
Storage, Outdoor						€				
Storage, Vehicle						€				
Tattoo Parlor						€				
Temporary Sales Trailer				T						
Temporary Use Trailer, Portable, Prefabricated or Manufactured Building										
Theater		€	€							
Transit-Oriented Development (TOD)		P	P	P			P	€		

^A The noted Uses shall be allowed in the listed zones as an ancillary use only.

^E The noted Uses shall be allowed in the listed zones as an edge use only.

*As an ancillary component of the identified Permitted ~~and Conditional~~ Uses, employers may offer Child Care Center services for their employees. ~~The provision of such services shall require Conditional Use approval.~~

(Ord. 19-38, Ord. 19-19, Ord. 17-14, Ord. 17-08, Ord. 16-01, Ord. 15-29, Ord. 14-23-1, Ord. 14-13, Ord. 14-5, Ord. 13-16, Ord. 12-9, Ord. 12-2, Ord. 11-09)