

ORDINANCE NO. 16-17 (9-6-16)

**AN ORDINANCE OF THE CITY OF SARATOGA
SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE
SARATOGA SPRINGS LAND DEVELOPMENT 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, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Saratoga Springs City Council regarding the modifications and amendments; and

WHEREAS, the City Council has conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Saratoga Springs City Council has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that the following modifications and amendments to Title 19 be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

SECTION I – ENACTMENT

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. 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 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 If they cannot be amended to comply with the provisions hereof, they are hereby repealed.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.

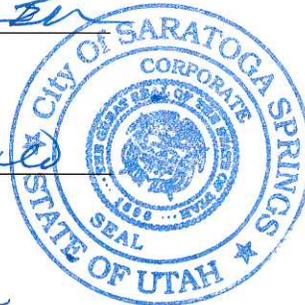
ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 6th day of September, 2016.

Signed: _____

Jim Miller, Mayor

Attest: _____

Cindy LoPiccolo, City Recorder



VOTE

Shellie Baertsch
Michael McOmber
Stephen Wilden
Bud Poduska
Chris Porter

aye
aye
aye
aye
aye

19.05.03. Wireless Telecommunication Equipment.

1. **Wall mounted antennas.** Wall mounted antennas are permitted uses in all land use zones. Wall mounted antennas larger than five square feet may not be placed on a residential building or structure. Wall mounted antennas must comply with the following criteria:
 - a. Wall mounted antennas shall not extend above the roof line of the building more than ten feet, and whip antennas shall not extend above the roof line of the building more than ten feet.
 - b. City Staff may require antennas and all associated equipment to be painted to match the color of a non-residential building or structure.
 - c. Wall mounted antennas may have a maximum area of forty square feet per each side of a non-residential building or structure. The area is determined by drawing straight lines around the outermost portions of the antennas until enclosed.
 - d. All equipment associated with the use, excluding the antenna, must be screened by a view obstructing structure.
 - e. If the associated equipment is located on the ground it must be appropriately landscaped.

2. **Roof mounted antennas.** Roof mounted antennas are permitted uses in all land use zones. Roof mounted antennas larger than five square feet may not be placed on a residential building or structure. The following provisions and any applicable provisions in sub-section one above shall apply to roof mounted antennas:
 - a. roof mounted antennas can only be mounted on structures with flat roofs. Exceptions may be granted by City staff with the following stipulations:
 - i. the antenna will be mounted on the roof of a building such that the building will obstruct the view of the antenna from the front of the building; and
 - ii. the antenna will be less visible from ground level than the typical antenna mounted on a flat roof.
 - b. roof mounted antennas must be set back from the front building edge one foot for every one foot of antenna height to a maximum of ten feet; and
 - c. if possible and feasible, roof mounted antennas shall co-locate on City-owned buildings and structures.

3. **Free-standing antennae or towers.**
 - a. **Proliferation minimized. No new mono-pole or other free-standing structure shall be approved unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure.**
 - b. Mono-pole towers. Mono-pole towers are required to obtain Conditional Use approval prior to construction.
 - a.—
 - ~~b.c.~~ Other free-standing structures. Free-standing antennae or towers are required to obtain Conditional Use approval prior to construction.

- d. Where buildings, trees, or other large objects are present, ~~a~~All new mono-pole and other free-standing structures shall use stealth design, meaning camouflaged to blend in with said buildings, trees and other large objects.
- e.e. Co-location on existing mono-pole towers is a permitted use in any land use zone. However, if the compound area needs to be expanded to handle additional equipment and the site is located in a land use zone that requires mono-pole towers to get a Conditional Use permit, then the expansion is also a Conditional Use.
- f.f. Maximum height limits for free-standing antennae or mono-pole towers for defined land use zones are as follows:

i. Agricultural (A):	100* feet
ii. Rural Residential (RR)	100* feet
iii. Low Density Residential (R-1)	100* feet
iv. Low Density Residential (R-2)	35 feet
v. Low Density Residential (R-3)	35 feet
vi. Medium Density Residential (R-6)	———35 feet
vii. Medium Density Residential (R-10)	———35 feet
viii. High Density Residential (R-14)	35 feet
ix. High Density Residential (R-18)	35 feet
x. Neighborhood Commercial (NC)	40 feet
xi. Mixed Use (MU)	40 feet
xii. Regional Commercial (RC)	———40 feet
xiii. Office Warehouse (OW)	100* feet
xiv. Industrial (I)	———100* feet

* The maximum height for towers within 200 feet of residential development existing at the time of tower construction shall be 40 feet.
- e.g. The maximum height limits include the height of any structure on which the free-standing antennae or mono-pole may be located, ~~and any lightning poles or other items attached to the antennae or mono-pole.~~

4. **Ham radio towers.** Ham radio towers or any other radio or antennae facilities are regulated by the FCC as well as individual homeowners associations (HOA’s) through restrictive covenants or other regulating documents.

19.05.10. Temporary Uses.

1. **Purpose and Intent.** The purpose and intent of the Temporary Use section is to allow certain uses within the City of Saratoga Springs which are temporary, or seasonal in nature, in a manner that such uses will be compatible with the land use zone and adjacent properties. A Temporary Use, which is subject to the provisions in this Section, is a commercial business venture for which a business license is required.
2. **Uses:** the following are acceptable Temporary Uses, as defined in Section 19.02.02:
 - a. Produce Stand or Farmers Market

- b. Fireworks Stand*
- c. Christmas Tree Lot
- d. Snow Shack or Ice Cream Vendor, **fixed location***
- ~~d.e.~~ **Snow Shack or Ice Cream Vendor, motorized****
- e.f. Pumpkin Patch
- f.g. Festivals including Bazaars or Fairs*
- ~~g.h.~~ Temporary Retail (tent or sidewalk sale)*
- ~~h.i.~~ Mobile Food Vendors*

* These uses are limited to non-residential and agricultural zones, unless occurring as part of a City sponsored special event, or wholly within the property boundaries of an institutional use.

****These uses are not permitted to park in one location for longer than 20 minutes, and are required to obtain a Solicitor's License in addition to a Temporary Use Permit.**

3. **Standards for Temporary Uses.** A Temporary Use shall comply with the general standards as provided within this section:
- a. Written approval from all brick and mortar businesses, meaning a permitted business in a permanent structure, within 300' shall be obtained for all Temporary uses.
 - b. All Temporary uses except for roadside stands require a paved surface on site. Temporary road base installed in compliance with the City Standard Technical Specifications and Drawings shall qualify as a paved surface, shall be capable of supporting a minimum of 75,000 pounds on all driving and parking surfaces, and shall be removed immediately upon completion of the Temporary use unless occurring as part of a separate development permit.
 - c. All Temporary uses except roadside stands are required to provide sanitary facilities for waste disposal for protection of community health and safety. This may be met through agreement with a host business or through temporary restroom facilities.
 - d. All temporary uses shall provide a receptacle for garbage, and shall be responsible for garbage removal.
 - e. Night lighting shall be compatible with adjacent uses. This requires all lighting to be shielded and directed downward to avoid light spill onto adjacent properties.
 - f. All signs must comply with City adopted sign regulations.
 - g. A use and/or display may not be placed within the right-of-way or on any landscaped area.
 - ~~a.h.~~ No temporary use may occur within the clear view triangle of any intersection.
 - ~~b.i.~~ No more than one temporary use is allowed per lot or parcel at any one time, including those approved by the Planning Commission.
 - ~~e.j.~~ When electricity will be utilized, an electrical permit must be obtained from the Building Department prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
 - ~~d.k.~~ Accessibility requirements must be addressed with the Building Department prior to any sales occurring.

- e.l. Where required, Health Department approval shall be provided prior to operation.
- f.m. Where temporary structures are proposed, an inspection with the Fire Department is required prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
- h.n. Hours of operation shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.
- i.o. All temporary uses requesting temporary access from a public road shall obtain written permission from UDOT for state roads, and from the City Engineer for all other public roads.
 - i. A traffic study and safety mitigation may be required, including appropriate acceleration and deceleration areas.
 - ii. No curb or park strip shall be driven over unless temporary bridging is provided and approved by the City Engineer to prevent damage to the curb or park strip.

4. **Additional Standards for Mobile Food Vendors:**

- a. A mobile food vendor shall be permitted only when hosted by an existing brick-and-mortar business, meaning a permitted business in a permanent structure, or on public property with the approval of the City.
- b. Mobile food vendors shall not be parked for more than 8 hours in a day in any one location without express written permission from the City.
- c. Mobile food vendors shall not be parked on a street or driveway, nor in a manner that impedes vehicular and pedestrian traffic flow or public safety. A minimum clearance of 15 feet must be kept between the mobile food vendor and any fire hydrants, utility boxes, sidewalks, handicapped ramps, or building entrances.
- d. At no time may the mobile food vendor serve food to vehicles in a drive through manner or while the mobile food vendor vehicle is in motion.
- e. Mobile food vendors must be parked a minimum of 200 feet from residential property or must have the permission of residential property owners within the prohibited area.

5. **Planning Commission Review.** When considered appropriate by the Planning Director, a Temporary Use may be referred to the Planning Commission for review.

6. **Permit Required.** A Temporary Use Permit and Business License shall be required for all Temporary Uses.

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19.02

Protective Ground Cover. Grasses, other living plants, or inorganic materials grown or placed to stabilize soils and protect against erosion and dust, and to minimize runoff onto adjacent properties.

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19.06.08. Single Family Residential and Park Strip Landscaping Requirements.

1. Single Family Residential Lots

- a. All residential lots in all zones except A and RA-5 that are one-third acre in size or smaller shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
 - i. receiving a Certificate of Occupancy; or
 - ii. once ownership is established by the current owner.
- b. All residential lots in all zones except A and RA-5 that are larger than one-third acre must landscape a minimum of one-third acre.
 - i. The one-third acre may include structure footprints, driveways, parking areas, and other lot improvements that fall within a contiguous one-half acre area.
 - ii. The one-third acre shall include the front yard.
 - iii. Areas outside of the landscaped one-third acre may remain in a native state, and shall be maintained in compliance with nuisance and fire requirements.
 - iv. That portion of the landscaping that falls within the front yard, and street-side yard for corner lots, shall be landscaped within one year, and that portion of landscaping within interior side and back yards shall be landscaped within two years after (whichever is less restrictive):
 1. receiving a Certificate of Occupancy; or
 2. once ownership is established by the current owner.
- c. All ~~landscaped areas~~ front yards and street side yards shall be completely landscaped per the definition of Landscaping in Section 19.02.
- ~~e.d., and a~~ All back yards shall either be completely landscaped per the definition of Landscaping in Section 19.02, or, if fully enclosed with a minimum six foot tall privacy fence that extends to the ground to prevent spread of weeds, may instead be stabilized per the definition of Protective Ground Cover in Section 19.02, with the following exceptions:
 - i. Bare dirt, meaning ground with no planting, hardscape, rock, or other cover, may occur in limited quantities when in conjunction with features including gardens and trellis areas.
 - ii. Trees and shrubs are permitted to have a ring of bare dirt around the trunk and beneath the drip line of the canopy.

~~d.e.~~ At least 25% of landscaping in front yards and corner street side yards shall consist of non-rock planter beds, shrubs and grasses, or other non-hardscape and non-rock landscaping.

e.f. Artificial turf is not permitted in front or corner street side yards.

~~f. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:~~

~~i. the power company or owner of the power line gives written consent; and~~

~~ii. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.~~

* * * * *

19.06.09. Screening and Fencing Requirements and Restrictions.

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4. Prohibited fencing:

- a. No barbed wire, chain link, razor, or wire (agricultural, electric, chicken wire, mesh wire, hog fencing, etc.) fences shall be allowed. This does not apply to chain link or wire fences if the fence: (1) is not being used to delineate lot boundaries; and (2) ~~is used for keeping of animals. This Section also does not apply in the A, RA-5, and RR zones.~~ is being used for Agricultural uses or otherwise for the keeping of animals; and (3) does not occupy more than 50% of any residential yard.
- b. No fencing that parallels existing fencing ~~and is visible from an adjacent road or street~~ shall be permitted within an existing fenced yard. Exceptions: interior fencing to enclose chickens, **bees**, or other livestock as otherwise specifically permitted under this Code, and any fencing of three feet or less in height **within an existing fenced yard.**

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19.09.06. Dimensions for Parking Stalls.

The standards in this Section shall apply to all parking areas unless otherwise noted. The dimensions of parking stalls and aisles contained within the parking areas shall be dependent upon the orientation of stalls.

Dimensions for Parking Stalls and Aisle

Parking Angle	Stall Width*	Stall Length	Aisle Width (two-way traffic)	Aisle Width (one-way traffic)
Parallel	9'	20'	N/A	12'
45	9'	18'	25'	14'
60	9'	18'	25'	18'
90	9'	18'	24'	24'

~~*Stalls immediately adjacent to garbage surrounds shall be 50% wider, or separated from the garbage surround by a landscaping area no less than 50% the width of a parking stall.~~

19.09.11. 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	<u>Parking Requirement</u>
Dwelling, above commercial	1 stall per bedroom or 2 stalls per unit, one of which must be covered* , whichever is lower, plus 0.25 guest stalls per unit.
Dwelling, Multi-Family*	1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be covered enclosed , plus 0.25 guest stalls per unit. **
Dwelling, Single Family	2 stalls per dwelling enclosed in garages. Driveways are to be 20' in length**
Dwelling, Three-Family	1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be covered enclosed , plus 0.25 guest stalls per unit.**

Dwelling, Two-Family	1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be covered enclosed, plus 0.25 guest stalls per unit. **
*****	*****
Mixed Use, Commercial, Office & Residential Use	Residential: see Dwelling requirements Nonresidential: Based on the sq.ft. of each individual use
Residential Facilities for Elderly Persons	To be determined by the Planning Commission (See 19.09.05(6))
Residential Facility for Persons with a Disability	Same as for the dwelling, plus Home Occupation requirements for employees.

~~* Exception – All dwellings must have one covered parking space. A 35% reduction to the enclosed parking requirement may be allowed for a PUD multi-family rental project within the R-18 zone; however, the remaining 35% shall be replaced with carports that incorporate a residential appearance. This will require a positive recommendation from the Planning Commission and approval from the City Council.~~

*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%.

19.14. Site Plans.
Clarify 40' access width language

19.14.03. Site Plan Development Standards.

3. Access Requirements.

- a. **Access dimensions.** For each commercial ~~lot~~access:
 - i. ~~each roadway~~the access shall not be more than forty feet in width, measured at right angles to the center line of the ~~driveway~~access except as increased by permissible curb return radii; and
 - ii. the entire flare of any return ~~radii~~radius shall fall within the right-of-way.
- b. **Interconnection.** All parking and other vehicular use areas shall be interconnected with adjacent properties in order to allow maximum off-street vehicular circulation.
- c. **Acceleration and Deceleration Lanes.** Acceleration and deceleration lanes shall be required on major arterials when deemed necessary by the City Engineer.
- d. **Off-street Truck Loading Space.** Every structure involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the building's lot adequate space for standing, loading, and unloading of the vehicles in order to avoid undue interference with public use of streets or alleys.

19.15. Conditional Uses.
Remove requirement to protect views

19.15.05. General Standards and Considerations Governing Conditional Uses.

In reviewing an application for a Conditional Use permit, the ~~the~~ following considerations and standard shall be applied:

1. The siting of the structure or use, and in particular:
 - a. the adequacy of the site to accommodate the proposed use or building and all related activities;
 - b. the location and possible screening of all outdoor activities;
 - c. the relation of the proposed building or use to any adjoining building with particular attention to protection of ~~views,~~ light, air, and peace and quiet;
 - d. the location and character of any display of goods and services; and
 - e. the size, nature, and lighting of any signs.

2. Traffic circulation and parking, and in particular:
 - a. the type of street serving the proposed use in relation to the amount of traffic expected to be generated;
 - b. the adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrance and exits; and
 - c. the amount, timing, and nature of traffic generated by the proposed conditional use.

3. The compatibility of the proposed conditional use with its environment, and in particular:
 - a. the number of customers or users and the suitability of the resulting activity level to the surrounding uses;
 - b. hours of operation;
 - c. adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.;
 - d. adequacy of provisions for protection of the public against any special hazards arising from the intended use;
 - e. the expected duration of the proposed building, whether temporary or permanent, and the setting of time limits when appropriate; and the degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.
