

**ORDINANCE NO. 14-13 (6-3-14)**

**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 If they cannot be amended to comply with the provisions hereof, they are hereby repealed.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.

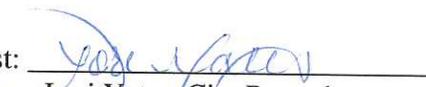
**SECTION V – PUBLIC NOTICE**

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 3 day of June, 2014.

Signed:   
Jim Miller, Mayor

Attest:   
Lori Yates, City Recorder

6-3-14  
Date

	<b>VOTE</b>
Shellie Baertsch	<u>X</u>
Rebecca Call	<u>X</u>
Michael McOmber	<u>X</u>
Stephen Willden	<u>X</u>
Bud Poduska	<u>X</u>



## Chapter 19.02. Definitions.

### Sections:

#### 19.02.01. Interpretation.

#### 19.02.02. Definitions.

#### 19.02.01. Interpretation.

For the purposes of interpreting this Title, the Rules of Construction in City Code Section 1.02.11 shall apply. Where a use may be interpreted to fall under more than one definition, the more restrictive definition shall apply.

#### 19.02.02. Definitions.

As used in this Title:

1. **“Accessory building”** means a building that:
  - a. is clearly incidental to and found in connection with a principal or main building;
  - b. is subordinate to and serves a principal or main building;
  - c. is subordinate in area, extent, or purpose to the principal or main building served;
  - d. is located on the same lot as the principal or main building served; and
  - e. contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building.
2. **“Agriculture”** means the use of land for tree farming or growing or producing field crops, livestock, and livestock products, excluding feedlots or mink operations.
  - a. “Field crops” include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
  - b. “Livestock” includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, and rabbits.
  - c. “Livestock products” include, among others, milk, butter, cheese, eggs, meat, fur, and honey.
3. **“Agriculture Building”** means any structure used for agriculture.
4. **“Alcoholic Beverage Package Agency”** means a liquor location operated under contractual agreement with the Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

5. **“Alcoholic Beverage State Liquor Store”** means a facility for the sale of package liquor on premises owned or leased by the State of Utah and operated by State employees. This term does not apply to restaurants, private clubs, or package agencies

6. **“Ancillary Use”**:

- a. means a use that:
  - i. is clearly incidental to and found in connection with a principal or main use;
  - ii. is subordinate to and serves a principal or main use;
  - iii. is subordinate or less than in extent, area, or purpose to the principal or main use;
  - iv. is located on the same lot as the principal or main use; and
  - v. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use; and
- b. Home Occupations are deemed an ancillary use.

~~**“Animal Kennel, Commercial”** means an establishment at which four or more small, medium, or large farm animals or household pets at least three months of age are boarded, treated, groomed, or trained.~~

~~**7. “Animal Hospital (Large), Large Veterinary Office”** means an establishment at which all types of farm animals (large, medium, or small) or household pets may be treated or boarded.~~

~~**7. “Animal Hospital/Veterinary Office (Large)”**: see Large Animal Hospital/Large Veterinary Office.~~

~~**8. “Animal Hospital (Small) / Small Veterinary Office”** means an establishment at which small farm animals only or household pets are treated or boarded within a completely enclosed building, and large animals such as horses are not treated or boarded.~~

~~**8.9. “Apiary”** means a place in which a colony or colonies of bees are kept, such as a stand or shed for beehives or a bee house containing a number of beehives.~~

~~**9.10. “Applicable building code”**: see “Building code”~~

~~**10.11. “Applicable fire code”**: see “Fire code”~~

~~**11.12. “Applicant”**:~~

- a. means the owner of land proposed to be developed, or the owner’s duly authorized agent if that agent has written authorization from the owner, who submits a complete application for consideration by the City; and
- b. includes an individual or entity who is under contract to purchase land proposed to be developed so long as the individual or entity closes on the

project before any land use application is brought before the planning commission for consideration at a public meeting or hearing.

**12.13. “Arts and crafts sales”:**

- a. means an establishment that produces articles for sale of artistic quality or effect or handmade workmanship; and
- b. includes candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and their associated activities.

**13.14. “Automobile Refueling Station”** means a retail building or premise used primarily for the sale of gasoline, diesel, natural gas, or electricity to customers for the purposes of refueling customers’ vehicles. Such premises may also include the sale of food, drinks, or household products in an area not exceeding 200 square feet.

**14.15. “Automobile Rental and Leasing Agency”** includes rental of passenger vehicles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease.

**15.16. “Automobile Repair, Major”** means an establishment, not meeting the definition of Automobile Repair, Minor, primarily engaged in the major repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, and tire repair and sales, provided it is conducted within a completely enclosed building.

**16.17. “Automobile Repair, Minor”** means an establishment that is located no closer than 300 feet (as measured from the property lines) to any residential zone, is primarily engaged in the minor repair or minor maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, oil changes, tune-ups, safety inspections and emissions testing, and detailing, is conducted entirely within a completely enclosed building, and does not include paint work, body and fender work, or major engine and engine part overhaul. “Minor repair” or “minor maintenance” is defined as a routine service that requires no more than 8 total hours of service.

**17.18. “Automobile sales”** means the premises on which new or used passenger automobiles, non-motorized trailers, or trucks in operating condition are displayed in the open for sale or trade.

**18.19. “Back yard”:** see “Yard, rear”

**19.20. “Bakery, Retail”** means an establishment primarily engaged in the retail sale of baked products for consumption off site.

- a. A bakery’s products may be prepared either on or off site.
- b. A bakery’s use may include incidental food service.
- c. A bakery shall be considered a general retail use.

~~20.21.~~ **“Bakery, Commercial”** means a place for preparing, cooking, baking, and selling of products intended for off-premise distribution only.

~~21.22.~~ **“Basement house”** means a one-story dwelling of which fifty percent or more of the floor area is below the finished grade.

~~22.23.~~ **“Bed and breakfast”** means a transient lodging establishment, generally in a single family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

24. **“Big box retail”** See **“Retail, Big Box”**

~~23. **“Big box retail”** means a singular retail or wholesale use, which occupies no less than 50,000 square feet of gross floor area, that may:~~

~~24. require high parking to building area ratios;~~

~~25. have a regional sales market; and~~

~~26. include:~~

~~27. regional retail or wholesale sales; and~~

~~28. membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.~~

~~29.~~

~~30.25.~~ **“Block”** means:

- a. the land surrounded by streets and other rights-of-way, other than alleys;  
or
- b. land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City.

~~31.26.~~ **“Bond agreement”** means an agreement between the developer and the City, on forms approved by the City, wherever a performance bond or warranty bond is required by this Title to install improvements secured by an escrow agreement with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the City, or a letter of credit from a reputable, federally-insured financial institution in an amount as specified in this Title.

~~32.27.~~ **“Bond”**:

- a. “Bond” means a document that:
  - i. complies with the standards contained in this Title and the Utah Code; and
  - ii. binds the parties thereto to take certain action if particular conditions are not met.
- b. The terms “Performance Bond” and “Warranty Bond” are more specifically defined in this Section.

~~33.28.~~ **“Bookstore”** means a retail establishment whose primary purpose is the sale of books and periodicals.

~~34.29.~~ **“Buildable”**:

- a. means:
  - i. that portion of a building lot not included within any required yard or open space upon which a main building may be located;
  - ii. an area that must be defined on subdivision plats in areas of thirty percent slope or less; and
- b. does not include any area of an “A Zone” (100-year flood area) as defined in FEMA’s Flood Insurance Rate Map of the City of Saratoga Springs.

~~35.30.~~ **“Building”** means a structure having a roof supported by columns or walls, intended or used for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

~~36.31.~~ **“Building, Accessory”**: see **“Accessory Building”**

~~37.32.~~ **“Building, Agriculture”**: see **“Agriculture Building”**

~~38.33.~~ **“Building code”** means the codes adopted by the City by ordinance and codified in 18.01.01.

~~39.34.~~ **“Building inspector”** means an individual appointed by the City of Saratoga Springs to enforce the provisions of the building code.

~~40.35.~~ **“Building lot”**:

- a. “Building lot” means a parcel of land:
  - i. which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located; and
  - ii. having frontage on a public or approved private street which shall be extended the full required frontage of the lot and improvements installed as required by the City.
- b. No building lot shall utilize any part of the temporary end or dead end of a street for frontage.

~~41.36.~~ **“Building, main”**: see **“Main building”**

~~42.37.~~ **“Building material sales (with outdoor storage)”**:

- a. “Building material sales (with outdoor storage)” means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold.
- b. Facilities covered under the definition in Subsection a. may also:

- i. process lumber by performing millwork, planning, cutting, and other customizing processes; and
- ii. provide for the sale of associated products including tools and fasteners.

**43:38. “Building material sales (without outdoor storage)”** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are sold.

**44:39. “Building Official” or “City Building Official”** means the City of Saratoga Springs Building Official.

**45:40. “Building, public”:**

- a. means a building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah or any of its subdivisions including counties and municipalities, in connection with a public use; and
- b. does not include buildings primarily used as warehouses, public garages, and equipment sheds.

**46:41. “Building height” or “Structure height”** means:

- a. the vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or
- b. the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**47:42. “Bus Lot”** means any lot or land area used for the storage or layover of passenger buses or motor coaches.

**48:43. “Car wash (full service)”** means a car wash with facilities for the washing or waxing of automobiles, light trucks, and vans, which may include drying equipment, vacuums, and other incidental uses. Full service car washes shall not include open self-service bays.

**49:44. “Car wash (self-~~service~~service)”** means a business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated devices.

**50:45. “Cemetery”** means the use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematorium, mausoleum, and mortuary when operated in conjunction with and within the boundaries of such cemetery.

**46. “Charter School”** see **“School, Charter”**

~~51. “Charter school”:~~

- ~~a. For purposes of this Title, a charter school is considered to be a public school within the state’s public education system.~~
- ~~b. A charter school shall meet all applicable federal, state and local health, safety, and civil rights requirements.~~

~~52.47. “Child care center” means a non-residential building or structure where care, protection, and supervision are provided for children on a regular schedule for a fee.~~

~~53.48. “Church” means a building, together with its accessory buildings and uses, where persons regularly assemble for worship and that is maintained and controlled by a religious body organized to sustain public worship.~~

~~54.49. “City Engineer”:~~ see “Engineer, City”

~~55.50. “City of Saratoga Springs Standard Technical Specifications and Drawings” means the City’s construction standards and specifications regarding the installation of public improvements as established or to be established by the City Engineer and includes the conditions, standards, and other related technical requirements necessary to development approval under this ordinance as stipulated by the authority of the City Engineer.~~

~~56.51. “Collector street (major and minor)” means a street which provides for movement between arterial and local streets and direct access to abutting property.~~

~~57.52. “Commercial center” means a development which contains at least twelve acres of commercial land and at least 100,000 square feet of commercial floor space.~~

~~58.53. “Commercial recreation” means any commercial enterprise which receives a fee in return for the provision of some recreational activity including racquet clubs, health facilities, and amusement parks, but not including amusement centers.~~

~~59.54. “Commercial and industrial laundries” means an establishment:~~

- ~~a. which launders or dry cleans articles on site; and~~
- ~~b. where all articles are dropped off on the premises by multiple laundry services and not the individual customers.~~

~~i. — “Commuter/Light Rail Station” means a place designated for commuter or light rail trains or cars to stop to allow for boarding of passengers including park-and-ride stations and transfer stations.~~

55.

~~60.~~ **“Concept Plan”** means:

~~61.56.~~ a sketch or concept drawing application created prior to the Preliminary Plat for subdivisions; or prior to Site Plan for non residential development to enable the City to verify that the subdivider-developer to demonstrate is in general compliance with the City’s ordinances and development regulations and policies;

~~2.~~ is generally prepared for and presented to the City’s Development Review Committee as described in this ordinance.

~~62.57.~~ **“Conditional use”** means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

~~63.58.~~ **“Condominium”** means the ownership of a single unit in a multi-family structure or structure combined with an undivided interest in the common areas and facilities of the property and that meets all requirements of the Utah Condominium Ownership Act.

~~64.59.~~ **“Contract construction services establishments”** means establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

- a. The definition provided in this Section specifically excludes automobile or equipment supplies otherwise classified in this Chapter.
- b. Typical uses under this definition include building material stores and home supply establishments.

~~65.60.~~ **“Convenience Store”** means a building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.

~~66.61.~~ **“Convenience Store/Fast Food Combination”** means a building that houses a Convenience Store and either a Fast Food (Restaurant, Casual) establishment or a Restaurant, Sit-Down.

~~67.62.~~ **“Copy Center”** means a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

~~68.63.~~ **“Corner lot”** means a building lot situated within a corner created by the intersecting lines of a street or streets.

~~69.64.~~ **“Crematory/Embalming Facility”** means a building used for the cremation and/or embalming of deceased persons but not including facilities for burial, internment, body viewing, or funeral services.

~~70.65.~~ **“Dairy”:**

- a. means a farming operation for the production of milk in commercial quantities and which is required to be regularly inspected by the State Department of Agriculture or its cooperating agencies; and
- b. includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.

~~2. “Deli” means a shop, store, or business no larger than 2,000 square feet selling primarily meats, cheeses, and sandwiches with limited onsite seating.~~

~~71.66.~~ **“Depth”:**

- a. when measuring an **inside lot**, means the distance from the front lot line and rear lot line as measured from the center line; or
- b. when measuring a **multi-frontage** or **corner lot**, means the horizontal distance between opposite boundaries of the lot when measured along the lot’s centerline.

~~72.67.~~ **“Destination Oriented Development”** means a building or group(s) of buildings with facilities to accommodate the needs of residents, visitors, or tourists with large portions of the site devoted to recreational opportunities.

~~73.68.~~ **“Detached”** means freestanding with open space on all four sides.

~~74.69.~~ **“Developer”** or **“Subdivider”** means a person who:

- a. having interest in land, causes it, directly or indirectly, to be divided into a subdivision;
- b. directly or indirectly sells, leases, develops, or advertises for sale, lease or development, any interest, lot, parcel, site, dwelling, unit, or plat in a subdivision; or
- c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale the lease or development of a subdivision.

~~75.70.~~ **“Development agreement”** means a written contractual agreement between the City and the developer which sets forth the respective obligations of the City and the developer relative to a proposed project.

~~76.71.~~ **“Development Review Committee” (“DRC”)** means an informal committee or group of City staff or City consultants whose responsibility is to review all development requests, process all development applications, and make

recommendations with respect to development applications to the Planning Commission, City Council, applicants, and Mayor. The DRC's membership includes the City Manager, City Engineer, Planning Department, Public Works Director, City Fire Chief, City Building Official, City Attorney, and any other person or agent that the City Manager deems appropriate to function as a member of the Committee.

**77.72.** **“District Area Plan”** means a document, containing the information set forth in Section 19.26.13, that is required at the time property within a proposed Large-scale Planned Community District under Section 19.26.13 is assigned the designation of Planned Community Zone.

**78.73.** **“Double frontage”:**

a. “Double frontage” means access on public streets from the front and the rear.

b. This definition does not apply to corner lots.

**79.74.** **“Dry Cleaner”** means an establishment:

a. which launders or dry cleans articles dropped off on the premises directly by the customer; or

b. where articles are dropped off, sorted, and picked up, but where laundering or cleaning is done elsewhere.

**75.** **“Dwelling”** means a structure designed for and occupied by one family, including provisions for living, sleeping, eating, cooking, and sanitation. This definition does not include hotels, apartment hotels, boardinghouses, rooming houses, and tourist courts.

**76.** **“Dwelling, Above Commercial”** means a building which contains dwellings located above the ground floor of a commercial, office, or retail use.

**77.** **“Dwelling, Multi-family”** means a building or buildings sharing common walls or common interior floors and containing four or more dwellings.

**78.** **“Dwelling, Single family”** means a residential dwelling:

a. not attached to any other dwelling;

b. on a single lot that is arranged for, designed for, and occupied by not more than one family (as defined herein); and

c. containing at least one bathroom, at least one kitchen, and living and sleeping facilities.

**79.** **“Dwelling, Three-Family”** means a single residential building under a continuous roof, the structure containing only three dwellings sharing common interior walls or common interior floors.

80. **“Dwelling, Two-Family”** means a single residential building under a continuous roof, the structure containing only two dwellings sharing common interior walls or common interior floors.
81. **“Easement”** means that portion of a property reserved for present or future use under, on, or above the property by a person or agency other than the legal fee owner or owners of the property.
82. **“Edge Use”** means a use allowed on the outside boundary of a specific land use zone that also has frontage on the collector or arterial roadway.
83. **“Educational center”** means an institution for the teaching of children or adults, including colleges, professional schools, dance schools, business schools, trade schools, and art schools.
84. **“Electronic Media Rental and Sales”** means a retail establishment whose primary function is the sale or rental of videos, CDs, or DVDs.
85. **“Electronic Sales and Repair”** means a retail establishment that deals in the sale and repair of electronics.
86. **“Enclosed parking”**:
- a. “Enclosed parking” means a fully-enclosed attached or detached residential accessory building designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory.
  - b. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this Title applicable to main buildings.
87. **“Engineer, City”** means the appointed official or consultant who is responsible for the Engineering functions of the City as described in this Chapter and other ordinances and policies of the City.
88. **“Equestrian Center”**:
- a. means an establishment engaged in the boarding, feeding, or general care of horses or other large animals for personal or commercial purposes; and
  - b. includes uses such as agriculturally oriented gatherings, assemblies and shows, and the sale of feed, tack, and other agricultural products.
89. **“Equipment Sales and Service”** means an establishment located no closer than 300 feet (as measured from the property lines) to any residential zone that is primarily engaged in the sale or rental of tools, lawn and garden equipment, including outdoor storage and incidental maintenance.
90. **“Equivalent Residential Unit (ERU)”**:

- a. means a unit of measurement used to measure and evaluate development impacts on public infrastructure such as water, sewer, storm drainage, parks, roads, and public safety of proposed residential and non-residential land uses; and
- b. is intended to represent the equivalent impact on public infrastructure of one single family residence.

91. **“Family”** means:

- a. any number of individuals, related by blood, marriage, or adoption, and domestic servants for such family; or
- b. a group of not more than four persons who are not so related, living together.

92. **“Farm Animals”** mean animals kept or raised primarily for, or incidental to, livestock or agricultural operations, which are grouped into the following categories:

- a. Large Farm Animals: Large farm animals include the following:
  - i. cow;
  - ii. horse (mule-ass, pony, or similar species not listed);
  - iii. ostrich (or other similar sized or closely related species);
  - iv. llama or other similar species not listed; and
  - v. other animals of similar size.
- b. Medium Farm Animals: Medium farm animals include the following:
  - i. sheep;
  - ii. emu;
  - iii. goat;
  - iv. turkey;
  - v. geese;
  - vi. peacock; and
  - vii. other animals of similar size
- c. Small Farm Animals: Small farm animals include the following:
  - i. chicken;
  - ii. rabbit;
  - iii. ducks;
  - iv. pheasants; and
  - v. other animals of similar size (excluding mink)

93. **“Farmers Market”** means a group of entities engaged in the temporary seasonal selling of homemade goods, homegrown vegetables, and other similar items in an open air market.

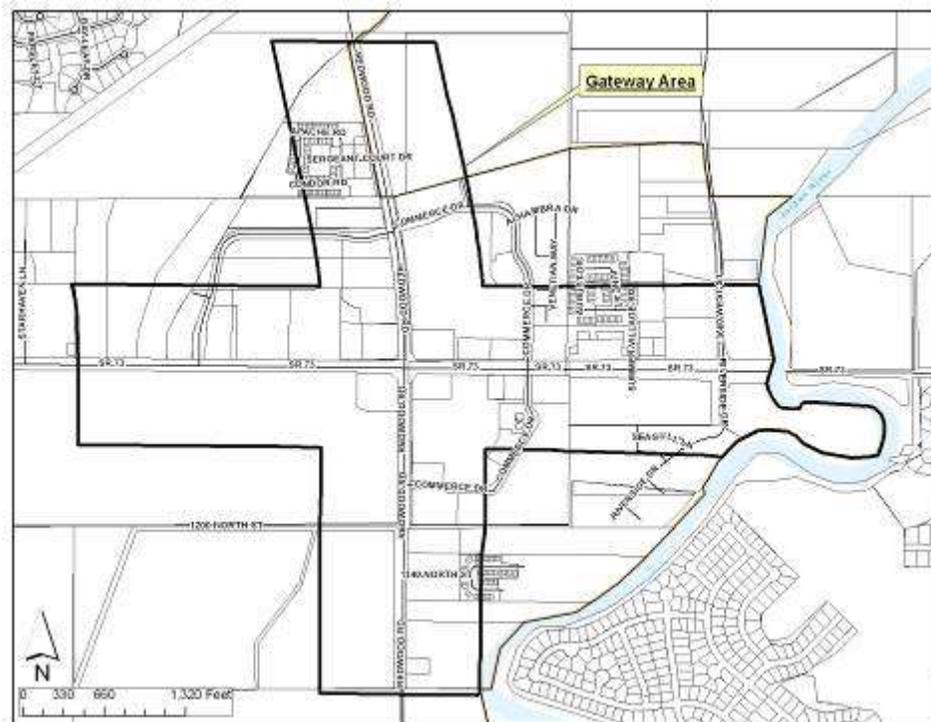
94. **“FEMA”** is an acronym for the Federal Emergency Management Agency.

95. **“Festival (including Bazaars or Fairs)”** means a not for profit activity or event that may only include shows, games, non-mechanical rides, concessions, or any combination thereof.

96. **“Fee schedule”** means the list or appendix of fees, also known as the Consolidated Fee Schedule for the City of Saratoga Springs, adopted periodically by the governing body which sets forth various fees charged by the City.
97. **“Final plat”** means a map of a subdivision which is prepared for final approval and recordation, which has been accurately surveyed so that streets, alleys, blocks, lots, and other divisions thereof can be identified and meeting any other requirements of this Ordinance or State or County Statutes.
98. **“Financial institution”**:
- a. means an establishment whose principal purpose is the handling of monetary affairs for members, clients, or the public at large;
  - b. includes banks, credit unions, savings and loans, mortgage offices, investment companies, trust companies, and similar entities; and
  - c. does not include Non-Depository Institutions.
99. **“Finished surface grade”**:
- a. “Finished surface grade” means:
    - i. the average level of the finished surface of the ground adjacent to the front setback line of a building or structure; or
    - ii. on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building.
  - b. Where a lot has no frontage on a public street, the average level of the finished ground surface adjacent to and measured along all exterior walls shall be the finished surface grade.
100. **“Fire code”** means the International Fire Code adopted by the City by ordinance and codified in Title 18.
101. **“Fitness Center”** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.
102. **“Flag lot”** means an L-shaped lot comprised of a staff portion contiguous with the flag portion thereof, the minimum width of the staff being thirty feet and the maximum length determined by the City of Saratoga Springs.
103. **“Flood plain”** means a land area subject to being inundated by water from any source and is generally defined as a “zone A” (100 year flood area) area as defined in FEMA’s Flood Insurance Rate Maps of the City of Saratoga Springs.
104. **“Floor area”** means the sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

105. **“Floral Sales”** means a retail business whose principal activity is the selling of plants and flowers which are not grown on the site and where business is conducted within an enclosed building.
106. **“Front yard”**: see **“Yard, front”**
107. **“Frontage”** means the distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access.
- a. State or federal highways, to which no access is allowed, shall not be considered as frontage.
  - b. For purposes of this Title neither temporary turn-arounds nor dead ends of roadways shall be used as frontage.
  - c. On cul-de-sacs, frontage may be measured at the front building setback lines.
108. **“Fueling Station”** means that portion of the property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.
109. **“Fueling Station, Cardlock Facility”** means an automated vehicle fuel sales facility without an attendant.
110. **“Funeral Home”**:
- a. means a building used for the preparation and embalming of deceased persons for viewing, burial, and cremation of deceased persons and the conducting of rituals connected therewith before burial or cremation; and
  - b. may include a chapel for the conducting of funeral services, areas for funeral services and gatherings, and areas for the display of funeral equipment.
111. **Garage**:
- a. “Garage” means an attached or detached residential building designed or used for the storage of private passenger automobiles that is ancillary to the use of the residence.
  - b. A garage shall be designed and constructed as an architectural and integral part of the main building and shall be subject to all the requirements of this Title applicable to main building.
112. **“Gateway Area”** means the following areas, as also shown on the exhibit below, which is subject to certain land use restrictions in the Regional Commercial (RC) Zone as identified in Section 19.04.18:
- a. **North and south of the intersection of Redwood Road and SR 73**: The area of land that is located within 600 feet of the edge of right-of-way along State Route 68 (Redwood Road) and a distance of 2,640 feet north and south of the intersection of the centerlines of State Routes 68 and 73.

- b. **West of the intersection of Redwood Road and SR 73:** The area of land that is located within 600 feet of the edge of right-of-way along SR 73 and a distance of 2,640 feet west of the intersection of the centerlines of State Routes 68 and 73.
- c. **East of the intersection of Redwood Road and SR 73:** The area of land within 600 feet of the edge of right-of-way between the west bank of the Jordan River and the intersection of the centerlines of State Routes 68 and 73.



- 113. **“Golf course”** means a parcel of land laid out for at least ~~nine~~three holes for playing the game of golf and improved with trees, greens, fairways, and possible hazards, and which may also include a clubhouse, shelter, or other associated buildings that are incidental to the parcel of land dedicated to the game of golf.
- 114. **“Grading permit, major”** means a permit issued by the City to remove or excavate large portions of a parcel or parcels in preparation for development activity or construction of infrastructure or buildings (see Section 19.13).
- 115. **“Grocery store”** means a store:
  - a. where most of the floor area is devoted to the sale of food products for home preparation and consumption;
  - b. that typically also offers other home care and personal care products; and
  - c. that is substantially larger and carries a broader range of merchandise than convenience stores.
- 116. **“Hair Salon”** means a retail business:

- a. whose principal activity is the cutting, coloring, and styling of hair; and
- b. that may provide other services such as nail painting and wax treatments.

117. **“Hardware and Home Improvement Retail”**:

- a. means an establishment providing the sale or rental of building supplies, construction equipment, or home fixtures and accessories; and
- b. includes a lumber yard or a contractors’ building supply business and may include outdoor storage or tool and equipment sales or rental.

118. **“Home occupation”** means a nonresidential activity, conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes (see Section 19.08).

119. **“Hospital”** means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians and/or properly licensed practitioners.

- a. Any medical clinic or professional office which offers inpatient or overnight care, or operates on a twenty-four hour basis, shall be considered a hospital.
- b. A hospital may include integral support service facilities such as laboratories, outpatient units, training facilities and offices necessary to the operation of the hospital.
- c. This definition includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

120. **“Hotel”** means a building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both.

121. **“Ice cream parlor”** means an establishment whose primary business is the sale of ice cream and other types of food or beverages for customer consumption that are not considered a complete meal, such as candy, soda, or coffee.

122. **“Ice Cream Vendor or Snow Shack”** means a seasonal business that serves ready-to-eat single-servings of ice cream, snow cones, and similar frozen treats from a self contained unit that may be motorized or in a trailer on wheels, or in a temporary structure affixed to the ground for the duration of the sales period.

123. **“Impound Yard”** means a facility that is used for the storage of wrecked motor vehicles, and vehicles impounded by law enforcement, kept for a period of time not exceeding fourteen days. This definition does not allow for the sale of parts.

124. **“Interior lot”** means any building lot other than a corner lot.

125. **“Kennel”** means a lot or premises on which four or more dogs, five or more cats, or any combination of five or more cats and dogs, at least four months old, are kept.

126. **“Kennel, breeding”** means a kennel lawfully located on a premises one acre or more in size zoned for such use and where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

127. **“Kennel, boardingcommercial”** means a kennel where four or more small, medium, or large farm animals or household pet animals at least three months of age and owned by another person are temporarily boarded, treated, groomed, or trained for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

~~**“Kennel, breeding”** means a kennel lawfully located on a premises one acre or more in size zoned for such use and where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.~~

128. **“Kennel, private”** means the keeping, breeding, raising, showing, or training of four or more dogs over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

129. **“Landscaping”**:

- a. means the installation of living plant materials, such as lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees, planted directly on the property and kept free from all hard surfaces; and
- b. includes the use of sculptures and water, including: pools, fountains, falls, and streams.

130. **“Land Use Authority”** means the person, board, entity, commission, agency, or other body designated herein as the final approving authority of a land use application. The land use authority, depending on the chapter or section of this title, may include the City Council, Planning Commission, planning staff, City Manager, City employee, or City body.

131. **“Land Use Element of the General Plan”** means the comprehensive, long range strategic plan for the future of the City and includes elements such as future land uses, transportation, housing, storm drainage, culinary water, secondary

water, economic development, capital facilities plan, and intergovernmental coordination, adopted as the Land Use Element of the General Plan by the City Council.

132. **“Land use ordinance”** means all regulations adopted by the City of Saratoga Springs relating to the development and use of real property within the City.

~~133. **“Large Animal Hospital/Large Veterinary Office”** means an establishment at which all types of farm animals (large, medium, or small) or household pets may be treated or boarded.~~

~~134.~~133. **“Laundromat”** means a facility where patrons, or individuals employed by the Laundromat, wash with soap and water in coin-operated machines (or other means of payment), and/or dry with coin-operated machines (or other means of payment) clothing or other fabrics. A Laundromat does not include dry cleaning or dry cleaners.

~~135.~~134. **“Library”** means a public facility containing printed information, electronic information, and/or pictorial material for the public use and purpose of study, reference, and recreation.

~~136.~~135. **“Light manufacturing”** means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

~~137.~~136. **“Livestock”** means domestic animals, such as meat and dairy cattle, horses, pigs and poultry, raised for home use or for profit, especially on a farm.

~~138.~~137. **“Livestock Auction Yard”** means a farm animal exchange company and includes livestock pens, auction facilities and structures, and public and transport parking for the sale of domestic livestock only.

~~139.~~138. **“Local street”** means a street which provides for direct access to abutting land and for local traffic movement.

~~140.~~139. **“Lot, Building”**: see **“Building Lot”**

~~141.~~140. **“Lot, Corner”**: see **“Corner lot”**

~~142.~~141. **“Lot coverage”** means the portion of a lot that is occupied by buildings or structures including accessory uses.

~~143.~~142. **“Lot Depth, Inside Lots”**: see **“Depth”**

~~144.143.~~ **“Lot Depth, Multi-frontage and Corner Lots”**: see **“Depth”**

~~145.144.~~ **“Lot, Double Frontage”**: see **“Double frontage”**

~~146.145.~~ **“Lot, Flag”**: see **“Flag Lot”**

~~147.146.~~ **“Lot, Interior”** see **“Interior Lot”**

~~148.147.~~ **“Lot layout”** means a plat of a lot, drawn to scale, showing:

- a. its actual measurements, the size and location of any existing buildings, and buildings to be erected;
- b. the location of the lot and abutting streets; and
- c. any further requirements as described in this Code.

~~149.148.~~ **“Lot line”** means a boundary line of a parcel of land. The definitions of specific types of lot lines are as follows:

- a. **“Front lot line”** means any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.
- b. **“Front lot line for a flag lot”** means the lot line nearest to a dedicated public street and at the end of the staff.
- c. **“Rear lot line for a corner lot”** means that interior lot line which has been designated as the rear lot line as determined by the direction the house faces.
- d. **“Rear lot line for an interior lot”** means the interior line lying opposite of the front lot line.
- e. **“Side lot line for a corner lot”** means:
  - i. any interior lot lines for multi-frontage lot; or,
  - ii. for other corner lots, that interior lot line which has been designated as the side lot line by the lot owner, unless designated on the plat.
- f. **“Side lot lines for interior lot”** means:
  - i. those interior lines lying opposite each other, running between the front and rear lot lines; or
  - ii. in the case of a multi-frontage lot, those interior lines which run between the two front lot lines.

~~150.149.~~ **“Lot Line, Front”**: see **“Lot line”**

~~151.150.~~ **“Lot Line, Front for Flag Lot”**: see **“Lot line”**

~~152.151.~~ **“Lot Line, Rear for Corner Lot”**: see **“Lot line”**

~~153.152.~~ **“Lot line, Rear for Interior Lots”**: see **“Lot line”**

~~154.153.~~ **“Lot line, Side for Corner Lot”**: see **“Lot line”**

~~155.154.~~ **“Lot line, Side for Interior Lot”**: see **“Lot line”**

~~156.155.~~ **“Lot width”**:

- a. in the case of a **corner lot**, means the width of the lot as measured along both street frontages at the required setback; and
- b. in the case of an **interior lot**, means the horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.

~~157.156.~~ **“Lot Width for Corner Lot”**: see **“Lot width”**

~~158.157.~~ **“Lot Width for Interior Lot”**: see **“Lot width”**

~~159.158.~~ **“Main building”**:

- a. means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot; and
- b. includes all of the appendages constructed as an architectural and integral part thereof.

~~160.159.~~ **“Major collector”**: see **“Collector street (major and minor)”**

~~161.160.~~ **“Major grading permit”**: see **“Grading permit, major”**

~~162.161.~~ **“Manufactured home”** means a home or other building of new construction:

- a. without attached axles or wheels;
- b. which has been assembled fully, or in part, upon another site, or in a factory;
- c. moved to the site upon which it is to be permanently assembled; and
- d. which is placed upon a permanent foundation in compliance with the provisions of the City’s adopted building code.

~~163.162.~~ **“Manufacturing”**:

- a. means the assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.
- b. This word is used interchangeably with Industrial.

~~164.163.~~ **“Marina”** means a public or private dock or basin providing secure moorings for boats and often offering supply, repair, and other facilities.

~~165. “Medical and Health Care Offices”:~~

~~166. means:~~

~~167. offices or clinics which provide services for the treatment and care of illness or injury, medical, dental, chiropractic offices; or~~

~~168. offices devoted to the healing arts such as licensed and accredited massage therapists and licensed physical therapists; and~~

~~169. may include a pharmacy or drugstore intended to serve patients of medical or dental professionals.~~

~~170.~~

~~171.~~ **164. “Mining and sand or gravel extraction subject to the City’s adopted standards relating to such activities”** means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

~~172.~~ **165. “Minor Subdivision”** means the subdivision of a parcel into two or three parcels and where the construction of public improvements to service the created parcels is not required.

~~173.~~ **166. “Mixed Use”** a tract of land or building or structure developed for two or more different uses such as, but not limited to residential, office, retail, and other possible compatible uses approved by the City Council.

~~174.~~ **167. “Mixed-use development”** means a building or group of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, and other possible miscellaneous compatible uses that are approved by the City Council.

~~175.~~ **168. “Mobile food vendor”** is a business that serves food and / or beverages from a self-contained unit either motorized or in a trailer on wheels, conducts all or part of its operations on premises other than its own, and is readily movable, without disassembling, for transport to another location. The term “mobile food vendor” shall not include snow shacks or ice cream vendors.

~~176.~~ **169. “Mobile home”** means a detached dwelling designed for long-term occupancy and transportation on its own wheels, on a flatbed, or on trailers, and arriving at the site where it is to be occupied as a complete dwelling ready for occupancy except for connections to utilities and other minor work.

- c. Removal of a mobile home’s wheels or placing a mobile home on a foundation shall not remove such dwelling from classification as a mobile home.
- d. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the applicable building code, plumbing code, mechanical code, and electrical code.

~~170.~~ **“Model Home”** means a dwelling temporarily used as a sales office for a residential development under construction, and not for general real estate

business.

171. **“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, which includes automobile courts, tourist courts with more than one building, and motor lodges.

~~177.~~172. **“Multi-family Dwelling”**: See **“Dwelling, Multi-family”**

~~3.~~ **“Multi-family Structure”** means a building or buildings sharing common walls containing four or more dwellings.

~~178.~~ **“Neighborhood Fitness Center”** means a facility that is 5,000 square feet or less where members or non-members use equipment or space for the purpose of physical exercise.

~~179.~~173. **“Neighborhood Grocery Store”** means a store that is 25,000 square feet or less:

- a. where most of the floor area is devoted to the sale of food products for home preparation and consumption;
- b. that typically also offers other home care and personal care products; and
- c. that is substantially larger and carries a broader range of merchandise than convenience stores.

~~180.~~174. **“Nonconforming building lot”** means a parcel of land of record that was lawfully subdivided and in compliance with all laws at the time of division and no longer meets the minimum requirements for a building lot in the zone where it is located because of a subsequent amendment to the applicable land use ordinance.

~~181.~~175. **“Nonconforming”**, when used in the context of a building or structure, means a building or structure meeting the definition contained in Utah Code § 10-9a-103 for a Noncomplying Structure.

~~182.~~176. **“Nonconforming use”** means a use meeting the definition contained in Utah Code § 10-9a-103 for a Nonconforming Use.

~~183.~~177. **“Non-Depository Institution”** means a financial business, other than a depository institution such as a bank, credit union, mortgage lender, or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act, which includes the following defined businesses:

- a. **“Check Cashing Business”**:

- i. means a person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan; and
  - ii. does not include Depository Institutions, as defined by the State of Utah, or retail sellers engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.
- b. **“Payday Loan Business”** means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
- c. **“Title Loan Business”** means an establishment providing short term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.
- d. **“Deferred Deposit Lender”** means a business that conducts transactions where a person presents to a check casher a check written on that person’s account or provides written or electronic authorization to a check casher to effect a debit from that person’s account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specified date. This definition includes any other business that offers deferred deposit loans, title loans, check cashing services, or loans for payment of a percentage fee exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.

~~184.178.~~ **“Off-street parking”** means the space within a building, lot, or parking lot, but not within any portion of any public street right-of-way, for the temporary parking of one vehicle.

~~185.179.~~ **“Office”** means a room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

180. “Office, High-Intensity” means an office in which business uses are conducted which typically require more than 6 employees per 1000 s.f., and in which no goods or merchandise are stored, displayed, or sold. An example would include call-centers.

~~186.181.~~ **“Office, Medical and Health Care Offices”:**

- a. means:
  - i. offices or clinics which provide services for the treatment and care of illness or injury, including only medical, dental, and chiropractic offices; or

- ii. offices devoted to the healing arts so long as licensed and accredited, including massage therapists and licensed physical therapists; and
- b. may include a pharmacy or drugstore intended to serve patients of medical or dental professionals.

~~187.~~182. **“Office, Professional-Office”** means a place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed or sold.

~~188.~~183. **“Open space”:**

- a. means an open, landscaped, and improved area that:
  - i. is unoccupied and unobstructed by residential or commercial buildings, setbacks between buildings, parking areas, and other hard surfaces that have no recreational value;
  - ii. provides park or landscaped areas that meet the minimum recreational needs of the residents of the subdivision;
- b. includes parks, recreational areas, gateways, trails, buffer areas, berms, view corridors, entry features, or other amenities that facilitate the creation of more attractive neighborhoods;
- c. may include hard surfaced features such as swimming pools, plazas with recreational value, sports courts, fountains, and other similar features with recreational value, as well as sensitive lands with recreational value, subject to the limitations stated in the definition of sensitive lands, within a development that have been designated as such at the discretion of the Planning Commission and City Council; and
- d. may not include surplus open space located on another lot unless such surplus open space was previously approved as part of an overall site plan, development agreement, or plat approval.

~~189.~~184. **“Outdoor Seasonal Sales”** means a type of temporary use that includes outdoor retail operations such as Christmas tree lots, pumpkin patches, fireworks stands, or other similar seasonal retail uses but not including Mobile Food Vendors, Ice Cream Vendors, or Snow Shacks.

~~190.~~185. **“Outdoor Vending Machines”:**

- a. means any self-contained or connected appliance, machine, or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service; and
- b. does not include newspaper racks, phones, and automatic teller machines.

~~191.~~186. **“Parcel of land”** means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same owner.

~~192.~~187. **“Park strip”** means the strip of land located within the public right of way between the edge of a lot or parcel sidewalk and the curb and gutter, or the edge

of the sidewalk and the curb and gutter, whichever measurement is farther from the curb.

~~193.~~**188. “Parking lot”** means an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

~~194.~~**189. “Parking, Off-street”:** See **“Off-street parking”**

~~195.~~**190. “Parks, playgrounds, or community recreation”** means any of the following recreational land uses, which are easily accessible to residents depending on the local needs:

- a. areas of natural quality set aside for outdoor recreation such as viewing, sitting, and picnicking;
- b. arenas;
- c. athletic fields;
- d. community centers;
- e. golf courses;
- f. parks;
- g. playgrounds;
- h. recreation center buildings;
- i. sports facilities;
- j. swimming pools;
- k. tennis courts;
- l. walking and jogging tracks; and
- m. any similar public use areas or buildings that provide recreational opportunities.

~~191.~~ **“Pawn Shop”** means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.

~~196.~~**192. “Pending Ordinance”** means a City Code, Zoning Map, or General Plan amendment that has- (a) been reviewed by the Planning Commission in an open and public meeting and received a positive recommendation to the City Council; or (b) been first reviewed by the City Council and has been included or attached to a resolution indicating the Council’s intent to initiate proceedings to amend. A pending ordinance is binding any land use application or building permit application filed with the City prior to final approval of the pending ordinance by the City Council. If the City’s actions meet this definition, the City’s actions shall satisfy the requirements of Utah Code § 10-9a-509 as initiating a formal proceeding to amend this Title.

~~197.~~**193. “Performance bond”** means a document:

- a. meeting the requirements of this Title;

- b. guaranteeing completion of any improvements required in this Title;
- c. accompanied by a Bond Agreement;
- d. in an amount as specified in this Title;
- e. on forms approved by the City; and
- f. having the form of an escrow bond with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the City, or a letter of credit from a reputable, federally-insured financial institution.

~~198.194.~~ **“Personal Service Establishment”** means an establishment which offers specialized goods and services to consumers including barbershops, beauty shops, massage facilities, garment repair, pressing, tailoring, shoe repair, and other similar establishments.

~~199.195.~~ **“Personal Services”:**

- a. means establishments primarily involved in providing personal grooming and related services; and
- b. includes, but is not limited to, barbershops, beauty parlors, and tailors, but does not include laundries or dry cleaners.

~~200.196.~~ **“Planned Unit Development (PUD)”** means a development under Chapter 19.07 located in a Planned Unit Development Overlay Zone where residential development is guided by a total design plan and where one or more of the land use ordinances or subdivision regulations, other than the land use designation, may be allowed in accordance with applicable standards found in Chapter 19.07 to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as specified in this Code.

~~201.197.~~ **“Planning Commission”** means the City of Saratoga Springs Planning Commission.

~~202.198.~~ **“Planning Director”** means the employee, contractor, individual, or firm responsible for all municipal planning activities including long-range land use planning, ordinance preparation, administration and enforcement of the land development code, land use interpretation, development review, coordination with the City Planning Commission, and any other responsibilities required by the City relating to planning and development.

~~203.199.~~ **“Plant and Tree Nursery”:**

- a. means a facility used for the growing and the wholesale or retail sale of plants, trees, shrubs, flowers, ground covers, etc.; and
- b. may also include sales of related products, including fertilizers, mulch, landscape decoration, etc.

~~204.200.~~ **“Postal Center”** means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

~~205.201.~~ **“Preliminary Plat”** means the initial formal plat of a proposed land division or subdivision and containing the information required by this Code.

~~206.202.~~ **“Preschool”** means a non-residential building or structure where educational services are provided for preschool aged children, defined as six years of age and younger, on a regular basis for a fee.

~~207.203.~~ **“Printing, lithography, and publishing establishments”** means any commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including offset printing, lithography, web offset, flexography, and screen process printing.

~~208.204.~~ **“Private Improvements”** means any open space, park space, club house, pool, tot lot, gazebo, picnic area, trails, or any other privately owned and maintained improvement provided in connection with subdivision, Conditional Uses, or site plan approval.

~~209.205.~~ **“Private kennel”**: see **“Kennel, private”**

~~4. “Private or Quasi-Public School” means a school that is operated by a private or quasi-public organization or individual, which includes an academic curriculum recognized as satisfying the requirements of elementary, secondary, or higher education in the State of Utah and is accredited by an accrediting agency recognized by the State of Utah.~~

~~210.206.~~ **“Private road”** means a thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations, and used or held for use primarily as a means of access to adjoining properties.

~~211.207.~~ **“Produce Stand”** means a temporary roadside building or structure used for the seasonal retail sales of unprocessed fresh fruits, vegetables, flowers, herbs, plants, and other unprocessed agricultural food products. May also include cottage products produced from these agricultural food products such as honey, jam, and applesauce.

~~212.208.~~ **“Property owner”** means the owner in fee simple of real property as shown in the records of the Utah County Recorder’s Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of the foregoing.

~~213. “Professional Office” means a place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed or sold.~~

~~214.~~

~~215:209.~~ **“Project Plan”** means a map:

- a. prepared by a licensed Engineer, Surveyor, Landscape Architect, or Architect that illustrates the basic components of a proposed development; and
- b. submitted with Conditional Use applications in cases where the submittal of a Site Plan is not required.

~~216:210.~~ **“Protected open space”** means open space, meeting the definition used in this Chapter, that is either placed in a conservation easement or listed as unbuildable on the recorded plat.

~~217:211.~~ **“Public building”**: see **“Building, public”**

~~218:212.~~ **“Public improvements”** mean streets, curbs, gutters, sidewalks, water and sewer lines, storm drains, and other similar facilities which are required to be dedicated to the City in connection with subdivision, Conditional Uses, or Site Plan approval.

~~219:213.~~ **“Public and Private Utility Building or Facility”** means a building or structure used or intended to be used by any public or private utility, including any:

- a. gas treatment plant reservoir, tank, or other storage facility;
- b. water treatment plant, well, reservoir, tank, or other storage facility;
- c. electric generating plant, distribution, or transmission substation;
- d. telephone switching or other communications plant, earth station, or other receiving or transmission facility;
- e. storage yard for public or private utility equipment or vehicles; and
- f. any parking lot for parking vehicles or automobiles to serve a public or private utility.

~~220:214.~~ **“Public Building or Facilities (City Owned)”** includes:

- a. uses which may be housed in separate buildings or which may occupy a space within a building that are operated by the City of Saratoga Springs to serve public needs; and
- b. public uses such as police, jail, fire service, ambulance, judicial court, government offices, library, cultural facility, recreation center, senior center, public utility stations, and maintenance facilities.

~~221:215.~~ **“Public right-of-way”** means a road, street, alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the

subdivision of real property, and includes the entire area within the right-of-way.

**216. “Public school”: See “School, Public”**

~~222. “Public school” means an educational facility operated by a public school district as defined in the Utah State Code.~~

~~223.~~**217. “Public street”** means a tract of land which is an existing state, county, or municipal roadway, or is shown on a plat duly filed and recorded in the office of the County Recorder, or has been accepted by the City Council as part of a development project, and is for public use for the purpose of providing the following:

- a. a thoroughfare for public use, designed primarily for vehicular travel;
- b. the principal means of access to abutting properties;
- c. installation of public utility service lines or pipes; and
- d. drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally.

~~224.~~**218. “Reception Center”** means an establishment with facilities that are rented for either private or public gatherings which may also provide catering or entertainment services.

~~225.~~**219. “Recreation center”**:

- a. means an establishment providing a variety of commercial recreation activities that are enclosed within a structure along with outdoor activities including one or more of the following: bowling, roller or ice skating, arcade games, billiards, miniature golf, amusement rides, slides and swimming pools, and related amusements; and
- b. may include ancillary uses, such as the preparation and serving of food or the sale of equipment related to the enclosed uses.

~~226.~~**220. “Recreation rentals”** means an establishment that specializes in the rental of outdoor recreation equipment or similar items and accessories.

~~227.~~**221. “Recreational vehicle sales”** means an establishment that sells motor homes, all-terrain vehicles, snowmobiles, watercraft, and other similar vehicles and accessories.

~~228.~~**222. “Recycling facility”** means a location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including: scrap metals, paper, rags, tires, bottles, and other such materials.

~~229.~~**223. “Research and development”** means:

- a. an establishment which conducts research, development, or controlled production of high technology electronic, industrial, or scientific products or commodities for sale; or
- b. laboratories conducting educational or medical research or testing.

**230.224. “Research and development uses, including medical or electronic assembly and manufacturing”:**

- a. means a use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software; and
- b. includes as part of this use any offices, warehousing, wholesaling, and distribution of the finished products produced at the site.

~~231. “Residential above Commercial” means a building which contains dwellings located above the ground floor of a commercial, office, or retail use.~~

~~232.~~

**233.225. “Residential density”** means the average number of dwellings on one acre of land in a given area.

- a. Net residential density is determined by dividing the total number of dwellings in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes.
- b. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, sidewalks, park strips, landscaped islands local schools, local parks, and local shopping facilities, into the total number of dwellings in said area.

**234.226. “Residential facilities for elderly persons”** means housing that provides a program of independent or assisted ~~assisted living~~ services to deal with the activities and instrumental activities of daily living for the elderly.

**235.227. “Residential facility for persons with a disability”** means a residence that:

- a. meets the definition of Utah Code Section 10-9a-103;
- b. treats persons with a “disability” as defined in Utah Code Section 10-9a-103; and
- c. meets the requirements of Section 19.05.09 of this Title.

**236.228. “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-through 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.

229. “Restaurant, Deli” means a shop, store, or business no larger than 2,000 square feet selling primarily meats, cheeses, and sandwiches with limited onsite seating and a more than 50% of business typically consisting of take-out.

237.230. “Restaurant, Sit Down” means an establishment that provides, as a principal use, foods and beverages prepared for consumption within or without the establishment with no drive-up or drive-through 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
- c. take-out service may be provided so long as it is not the principal business of the establishment and no drive-up or drive-through window, or drive-in, is utilized.

238.231. “Retail sales” means a place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer.

232. “Retail, Big box” means a singular retail or wholesale use, which occupies no less than 50,000 square feet of gross floor area, that may:

- a. require high parking to building area ratios;
- b. have a regional sales market; and
- c. include:
  - i. regional retail or wholesale sales; and
  - ii. membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

239.233. “Retail, Specialty”:

- a. means retail operations that specialize in one type or line of merchandise; and
- b. may include apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

240.234. “Retail, Tobacco Specialty Store” means a commercial establishment in which:

- a. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- b. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- c. the establishment is not licensed as a pharmacy under Utah Code Title 58, Chapter 17b, Pharmacy Practice Act.

~~241-235.~~ **“Riding Arena, Commercial”** means commercial roping and riding arenas (unlighted), as well as commercial roping and riding arenas (lighted) which may or may not be totally enclosed within a structure.

~~242-236.~~ **“Riding Arena, Private”** means private roping and riding arenas (unlighted), as well as private roping and riding arenas (lighted) which may or may not be totally enclosed within a structure.

~~243-237.~~ **“Road, private”**: See **“Private Road.”**

~~244-238.~~ **“Roadside Stand”**: See Produce Stand.

~~239.~~ **“School, Charter”** means:

- a. A school licensed in accordance with Utah Code Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act.
- b. For purposes of this Title, a charter school is considered to be a public school in this Title for the sole purpose of determining whether it is a permitted or conditional use.
- c. A charter school shall meet all applicable federal, state, and local laws, including this Title and all City land use ordinances.
- d. This definition shall not be interpreted to limit, restrict, or alter in any way the requirements of charter schools under Utah Code § 10-9a-305 to follow this Title and all City land use ordinances.

~~240.~~ **“School, Private or Quasi-Public”** means a school that is operated by a private or quasi-public organization or individual, excluding charter schools and public schools, which includes an academic curriculum recognized as satisfying the requirements of elementary, secondary, or higher education in the State of Utah and is accredited by an accrediting agency recognized by the State of Utah.

~~241.~~ **“School, Public”** means an educational facility operated by a public school district as defined in the Utah State Code.

~~245-242.~~ **“School, Trade or Vocational”** means a post high school educational or vocational training facility.

~~246-243.~~ **“Secondary Water System”** means a system which is designed and intended to provide, transport, or store water used for watering of crops, lawns, shrubberies, flowers, and other non-culinary uses.

~~247-244.~~ **“Self-storage or mini-storage units”**:

- a. means a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and
- b. may include refrigerated or climate-controlled facilities.

~~248.245.~~ **“Sensitive lands”** means land and natural features including canyons and slopes in excess of 30%, ridge lines, natural drainage channels, streams or other natural water features, wetlands, flood plains, landslide prone areas, detention or retention areas, debris basins, and geologically sensitive areas.

~~246.~~ **“Setback”** means the shortest horizontal distance permitted in each zone, as set forth in the City’s zoning districts, between the boundary lines of a lot and the building, structure, or part thereof.

~~249.247.~~ **“Shooting Range, Indoor or Outdoor”** means an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport-shooting or military/law enforcement training. May also include archery, and may or may not be open to the general public.

~~250.248.~~ **“Side yard”**: see **“Yard, side”**

~~249.~~ **“Sidewalk”** means a passageway for pedestrians, excluding motor vehicles.

~~251.250.~~ **“Single family dwelling”**: See **“Dwelling, Single family”**

~~5.~~ **“Single family dwelling”** means a residential dwelling:  
a. ~~not attached to any other dwelling;~~  
b. ~~on a single lot that is arranged for, designed for, and occupied by not more than one family (as defined herein); and~~  
c. ~~containing at least one bathroom, at least one kitchen, and living and sleeping facilities.~~

~~252.~~ **“Specialty Retail”**:  
d. ~~means retail operations that specialize in one type or line of merchandise; and~~  
e. ~~may include but is not limited to apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.~~

~~253.~~

~~254.251.~~ **“Stable”** means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.

~~255.252.~~ **“Sexually oriented business”** is defined in 19.23.02.

~~256.~~ **“Small Animal Hospital/Small Veterinary Office”** means an establishment at which small farm animals only or household pets are treated or boarded within a completely enclosed building.

~~257.253.~~ **“Streets, Collector, Major and Minor”**: see **“Collector street (major and minor)”**

~~258.254.~~ **“Street, Local”**: see **“Local street”**

~~259.255.~~ **“Street, Public”**: see **“Public street”**

~~260.256.~~ **“Structure”**: means anything constructed or erected on the ground, or attached to something located on the ground, including buildings, radio and wireless telecommunication equipment, sheds, swimming pools, tennis courts and sport courts, gazebos, decks (2’-6” or above in grade), and retaining walls.

~~261.257.~~ **“Structure height”**: see **“Building height”**

~~262.258.~~ **“Subdivider”**: see **“Developer”**

~~263.259.~~ **“Subdivision”** means any land that meets the definition of subdivision in Utah Code § 10-9a-103.

~~264.260.~~ **“Swimming pool”** means:

- a. a constructed pool, any part of which is above or below grade; and
- b. a prefabricated pool, any part of which is below grade, or a prefabricated pool that is completely above grade and has a capacity of 5,000 gallons or more, used for swimming or bathing.

~~265.261.~~ **“Tattoo Parlor”** means a business establishment that operates tattoo equipment to inject ink or otherwise modify human skin for the purposes of decoration, which may include body piercing; however, establishments that engage in ear piercing and no other activities in this definition shall not be considered tattoo parlors.

~~266.262.~~ **“Temporary sales trailers”** means trailers for use by home builders or developers for the purpose of sales within subdivision projects, which are subject to the regulations in Chapter 19.05.

~~267.263.~~ **“Temporary Use”** means a use that is associated with a holiday or special event for a limited duration of time, including Outdoor Seasonal Sales.

~~268.264.~~ **“Theater”**: means a building used primarily for the presentation of movies projected upon a screen or the presentation of live stage productions or performances, which may include ancillary uses such as arcade games and concession areas.

~~269.~~ **“Three-Family Structure”** means a single residential building under a continuous roof, the structure containing only three dwellings sharing common interior walls or common interior floors.

~~270.265.~~ **“Tobacco Product”** means:

- a. any cigar, cigarette, or electronic cigarette as defined under Utah Code Section 76-10-101;
- b. a tobacco product as defined under Utah Code Section 59-14-102, including chewing tobacco;
- c. any substitute for a tobacco product, including flavoring or additives to tobacco; and
- d. tobacco paraphernalia as defined under Utah Code Section 76-10-104.1.

~~271. “Trade or Vocational School” means a post high school educational or vocational training facility.~~

~~272.266.~~ **“Trail”** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.

~~273.267.~~ **“Transit-Oriented Development (TOD)”** means a form of development that maximizes transit infrastructure by concentrating the most intense types of development around transit stations and along transit lines. Development in such areas is designed to make transit use as convenient as possible.

~~274. “Two-Family Structure” means a single residential building under a continuous roof, the structure containing only two dwellings sharing common interior walls or common interior floors.~~

~~275.268.~~ **“Urban Design Committee”** means a committee made up of architects, planners, builders, or other persons whose primary responsibilities are to:

- a. review architectural plans for commercial, industrial, and multi-family developments; and
- b. make recommendations to the Planning Commission regarding architectural style, urban design, and exterior building materials for all types of developments.

~~276.269.~~ **“Utilities”** includes culinary and secondary water lines and systems, pressure and gravity irrigation lines and ditches, sanitary sewer lines, storm drain lines, subdrains, electric power, natural gas facilities, cable television, telephone transmission lines, data transmission lines, underground conduits and junction boxes, and other services deemed to be of a public utility nature by the City.

~~277.270.~~ **“Variance”** means a deviation, waiver, or modification from the ordinances, regulations, or standards adopted by the City, which the Hearing Examiner is permitted to grant.

~~278.271.~~ **“Warranty bond”** means a document:

- a. meeting the requirements of this Title;
- b. warranting any improvements required in this Title;

- c. accompanied by a Bond Agreement;
- d. in an amount as specified in this Title;
- e. on forms approved by the City; and
- f. having the form of an escrow bond with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the City, or a letter of credit from a reputable, federally-insured financial institution.

~~279.272.~~ **“Water Utility Ordinance”** means the City of Saratoga Springs’ adopted water utility ordinance.

~~280.273.~~ **“Waterways”** means those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the City Council, as shown on the City master drainage plan, or as designated by FEMA, and in which no structure or building construction or placement is permitted.

~~281.274.~~ **“Wireless telecommunication equipment”** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.

~~282.275.~~ **“Yard”** means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Code.

~~283.276.~~ **“Yard, front”** means a yard between the front lot line and the ~~setback line~~ of a front façade of the main building and extending for the full width of the lot.

~~284.277.~~ **“Yard, rear”** means a yard between the rear lot line and the ~~setback line~~ rear facade of a main building, extending across the full width of inside lots; or, for corner lots, a yard between the rear lot line and the setback line of the building and extending between the side lot line and the front yard lying opposite thereto.

~~285.278.~~ **“Yard, side”** means a yard between the side lot line and the ~~setback line~~ side facade of a main building, extending from the front yard to the rear yard.

~~286.279.~~ **“Zoning map”** means a map that contains all of the land use zone designations for all properties located within the City of Saratoga Springs.

## **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. Gradual Transition of Uses and Density.**
- 19.04.04. Application of Land Use Zone Regulations.**
- 19.04.05. Official Zoning Map.**
- 19.04.06. Land Use Zone Boundary Interpretation.**
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- 19.04.09. Residential Agricultural (RA-5).**
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- 19.04.19. High Density Residential (R-18).**
- 19.04.20. Neighborhood Commercial (NC).**
- 19.04.21. Mixed Use (MU).**
- 19.04.22. Regional Commercial (RC).**
- 19.04.23. Office Warehouse (OW).**
- 19.04.24. Industrial (I).**
- 19.04.25. Mixed Lakeshore (ML).**
- 19.04.26. Business Park (BP).**
- 19.04.27. Institutional/Civic (IC).**
- 19.04.28. Public School Bus Lot (PSBL).**

### **19.04.01. Purpose.**

This Chapter establishes the basic regulations for the development of land in the City of Saratoga Springs. All structures in any zone shall be subject to the restrictions and limitations as stated in the City of Saratoga Springs City Code.

### **19.04.02. Land Use Zones and Classification Established.**

For the purposes of this Title, all land within the boundaries of the City of Saratoga Springs shall have a land use designation in accordance with the City of Saratoga Springs Land Use Element of the General Plan. The following is a non-exhaustive list of the current land use designations:

1. Business Park
2. Developed Open Space
3. High Density Residential
4. Industrial
5. Institutional/Civic
6. Low Density Residential
7. Medium Density Residential
8. Mixed Use
9. Mixed Lakeshore
10. Natural Open Space
11. Neighborhood Commercial
12. Office Warehouse
13. Planned Community
14. Regional Commercial
15. Residential Agriculture
16. Rural Residential
17. Urban Center

All of the land within the corporate limits of the City of Saratoga Springs, Utah is hereby divided into Land Use Zones. The boundaries of the Land Use Zones are shown on the Official Zoning Map of the City of Saratoga Springs. The classification of Land Use Zones is as follows:

1. Agricultural (A)
2. Rural Residential (RR)
3. Residential Agricultural (RA-5)
4. Low Density Residential (R-1)
5. Low Density Residential (R-2)
6. Low Density Residential (R-3)
7. Low Density Residential (R-4)
8. Low Density Residential (R-5)
9. Medium Density Residential (R-6)
10. Medium Density Residential (R-10)
11. High Density Residential (R-14)
12. High Density Residential (R-18)
13. Neighborhood Commercial (NC)
14. Mixed Use (MU)
15. Regional Commercial (RC)
16. Office Warehouse (OW)
17. Industrial (I)
18. Mixed Lakeshore (ML)
19. Business Park (BP)
20. Institutional/Civic (IC)
21. Public School Bus Lot (PSBL)

**19.04.03. Gradual Transition of Uses and Density.**

It is the policy of the City Council, through exercising its zoning authority, to: (a) transition high intensity uses to help prevent the impacts of high density uses on low density areas; and (b) to limit inconsistent uses being located on adjacent parcels. The City Council may implement this policy using its zoning powers. Through amendments to the General Plan and the Zoning Map, the City Council intends to apply the following guidelines to implement this policy:

1. Residential lots, parcels, plats, or developments should not have a difference of more than 20% of density as compared to adjacent lots, parcels, plats, or developments. The intent is for a gradual change of density and uses.
2. The City should avoid allowing high intensity uses (e.g., commercial, industrial, multi-family structures, etc.) adjacent to lower intensity uses (e.g., single family, low density residential, etc.) unless appropriate transitions and buffers are in place. Appropriate buffers and transitions may consist of roadways, landscaping, building orientation and facades, increased setbacks, open spaces, parks, and trails.
3. Despite these guidelines, the City Council recognizes that it will become necessary to allow high intensity next to low intensity uses in order to allow for the implementation of multiple zones in the City. The City Council should use their best efforts to limit inconsistent uses and zones being located on adjacent parcels and to mitigate inconsistent uses and zones through transitions and buffers.

**19.04.04. Application of Land Use Zone Regulations.**

1. No structure or part thereof shall be used, erected, altered, added to, or enlarged, and no land or premises shall be used, designated, or intended to be used for any purpose or in any manner, in contravention of any of the provisions hereinafter.
2. In each land use zone, no uses shall be allowed unless listed as a permitted or conditional use in this Title. If a use is not listed as a permitted or conditional use in the applicable zone, it is not permitted and is strictly prohibited.
3. No structure or part thereof shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the land use zone in which such structure is located, unless a structure height exception is expressly allowed.
4. No structure shall be erected, altered, enlarged, rebuilt, or moved into any land use zone, and no open space shall be encroached upon or reduced in any manner, except in conformity to the yard, building site area, building location regulations, and the land use zone in which such structure or open space is located.
5. All structures and uses shall conform with all of the requirements of this Title.

**19.04.05. Official Zoning Map.**

1. The boundaries of the land use zones established in § 19.04.02 are hereby established as shown on the Official Zoning Map, which together with all explanatory matter thereon is hereby adopted by reference and declared to be part of this Title.
2. The Official Zoning Map shall be identified by the signature of the City Mayor and shall bear the date of adoption. All subsequent changes to the map shall include the new effective date and shall be initialed by the City Mayor.
3. If, in accordance with the provisions of this Title and the Utah Code, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map, an entry shall be made as soon as practical after the amendment has been approved by the City Council on the official zoning map. Any amendment to this Title which involves matters portrayed on the official zoning map shall be in full force and in effect on the date of the adopted ordinance.
4. No changes of any nature shall be made on the Official Zoning Map or shown thereon except in conformity with the procedures set forth in Chapter 19.17 of this Title.
5. The Official Zoning Map, which shall be located in the City offices, shall be the final authority as to the current status of Land Use Zones.

**19.04.06. Land Use Zone Boundary Interpretation.**

Where uncertainty exists as to the boundaries of a land use zone as shown on the Official Zoning Map, the following rules shall apply:

1. boundaries indicated as approximately following the centerlines of roads or streets, highways, or alleys shall be construed to follow such centerlines;
2. boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines;
5. boundaries indicated as parallel to or extensions of features indicated above shall be so construed;











Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P
Two-Family Structure									P	P	P	P
Three-Family Structure									P	P	P	P

	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u>
<u>Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-	-
<u>Animal Hospital, Large/Large Veterinary Office</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-	-	-
<u>Apiary (see §§ 19.05.08)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Bed and Breakfast</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-
<u>Cemetery</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Chickens (see §§ 19.05.05 and 19.05.06)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-
<u>Child Care Center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Church</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Dairy</u>	<u>C</u>	<u>P</u>	-	-	-	-	-	-	-	-	-	-
<u>Dwelling, Multi-Family</u>	-	-	-	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dwelling, Single Family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dwelling, Three-Family</u>	-	-	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dwelling, Two-Family</u>	-	-	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Educational Center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Equestrian Center</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-	-	-	-	-
<u>Farm Animals (see Section 19.05.05)</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-	-
<u>Farmer's Market</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-	-	-	-
<u>Golf Course</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-



<u>Temporary Sales Trailer</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
-	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u>

**P = Permitted C = 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.

~~The noticing area will be determined by the Planning Director on a case by case basis.~~

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.

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

**Permitted and Conditional Uses by Zone ~~Commercial~~ Nonresidential**

~~P= Permitted~~ — ~~C= Conditional~~

	<u>NC</u>	<u>MU</u>	<u>RC</u>	<u>OW</u>	<u>I</u>	<u>ML</u>	<u>BP</u>	<u>IC</u>	<u>PSB L</u>
<del>Alcoholic Beverage, Package Agency</del>					<u>€</u>				
<del>Alcoholic Beverage, State Liquor Store</del>					<u>€</u>				
<del>Small Animal Hospital/Small Veterinary Office</del>	<u>€</u>	<u>€</u>	<u>P</u>	<u>P</u>					
<del>Animal Kennel, Commercial</del>			<u>€</u>	<u>€</u>	<u>P</u>				
<del>Arts &amp; Crafts Sales</del>	<u>€</u>	<u>P</u>	<u>P</u>			<u>P</u>			
<del>Automobile, Boat, All Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales &amp; Service</del>			<u>€</u>	<u>€</u>	<u>P</u>				
<del>Automobile Refueling Station</del>		<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>				
<del>Automobile Rental &amp; Leasing Agency</del>			<u>€</u>	<u>€</u>	<u>P</u>		<u>P</u>		
<del>Automobile Repair, Major</del>				<u>€</u>	<u>€</u>		<u>€</u>		
<del>Automobile Repair, Minor</del>			<u>€**</u>	<u>€</u>	<u>€</u>		<u>P</u>		
<del>Automobile Sales</del>			<u>€</u>		<u>€</u>		<u>€</u>		
<del>Bakery</del>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>€</u>		
<del>Bakery, Commercial</del>				<u>€</u>	<u>€</u>				
<del>Bed and Breakfast</del>		<u>€</u>				<u>€</u>			

	NC	MU	RC	OW	I	ML	BP	IC	PSB L
Big Box Retail			€						
Bookstore	P	P	P			P			
Building Material Sales (with outdoor storage)			€**	€	P		€		
Building Material Sales (without outdoor storage)			€	€	€		€		
Bus Lot					€				P
Car Wash (full service)			€				€		
Car Wash (self service)			€**	€	€		€		
Child Care Center	€	€	€			€ <sup>A</sup>	€		
Churches	€	€				€		€	
Commercial & industrial laundries				€	P				
Commercial Recreation		€	€	€	€	P			
Commuter/Light Rail Station			P	P	P		€	€	
Contract construction services establishments				€	P				
Convenience Store		€	P	€			€ <sup>B</sup>		
Convenience Store/Fast Food Combination			€**				€ <sup>B</sup>		
Copy Center	€	P	P	€			€ <sup>A</sup>		
Crematory/Embalming Facility				€	€				
Del.	P	P	P			P	€		
Dry Cleaners	€	P	P						
Educational Center	€	€	€	€				P	
Electronic Media Rental & Sales		€	P						
Electronic Sales & Repair		€	P						
Equipment Sales & Services			€		P		€ <sup>A</sup>		
Financial Institution		P	P						
Fitness Center 5,001 sq. ft. or larger	€	€	€	€			P <sup>A</sup>		
Fitness Center 5,000 sq. ft. or less	P	P	P	P		P	€		
Floral Sales	P	P	P			P			
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	€	€	€				€		
Grocery Store		€	P			P			
Hair Salon	P	P	P			P			
Hardware & Home Improvement Retail		€	P				P		

		NC	MU	RC	OW	I	ML	BP	IC	PSB L
Home Occupations		See Chap. 19.08	See Chap. 19.08	See Chapter 19.08						
Hospital				P				E	P	
Hotels				E	E	E	E	E		
Ice Cream Parlor		P	P	P			P	E <sup>A</sup>		
Impound Yard						E				
Large Animal Hospital/Large Veterinary Office		E	E	P	P					
Laundromat				E	E	E				
Library			P	P					P	
Light Manufacturing					E	E		E		
Marina							P			
Medical and Health-Care Offices		E	E	P				P	P	
Mining						E				
Mixed Use, Commercial, Office & Residential Use			P				P			
Motels				E	E	E	E	E		
Multi-Family Structures			P				P			
Non-Depository Institutions				E						
Pawn Shop					E	E				
Personal Service Establishment		E	E		E		E	E <sup>A</sup>		
Plant & Tree Nursery		E		E	E	P				
Postal Center		E	E	P	E				P	
Preschool		E	E	E			E <sup>A</sup>	E <sup>A</sup>		
Printing, lithography & publishing establishments					E	E		P		
Professional Office		E	P	P	P	E	P	P		
Public & private utility building or facility				E	E	E	E		E	E
Public Building or Facilities (City Owned)		P	P	P	P	P	P	P	P	
Public Schools										
Reception Centers		E	E	P			P	E		
Recreation Center				E		E	E			
Recreation Rentals				P			P			
Recreational Vehicle Sales				E**						
Recycling Facilities						E				
Research & Development				E	E	E		P	P	
Residential facilities for elderly			E				E			

		NC	MU	RC	OW	I	ML	BP	IC	PSB L
persons										
Residential above commercial			P				P			
Restaurant, Casual				P	€		C <sup>B</sup>	C <sup>B</sup>		
Restaurant, Sit Down	P	P	P	P			P	P		
Retail Sales	P	P	P	P			P	€		
Retail Tobacco Specialty Store					€	€				
Self-storage or mini-storage units					€	€				
Sexually Oriented Businesses						P				
Shooting Range, indoor or outdoor					€	€				
Single Family Dwellings			P				P			
Specialty Retail	P	P	P	P			P			
Tattoo Parlor						€				
Temporary Sales Trailer			P							
Theater				€			€			
Three Family Structure			P				P			
Trade or Vocational School					P	P		P	P	
Transit-Oriented Development (TOD)			P				P	€		
Two Family Structure			P				P			

	<u>NC</u>	<u>MU</u>	<u>RC*</u>	<u>OW</u>	<u>I</u>	<u>ML</u>	<u>BP</u>	<u>IC</u>	<u>PSBL</u>
<u>Alcoholic Beverage, Package Agency</u>	-	-	-	-	<u>C</u>	-	-	-	-
<u>Alcoholic Beverage, State Liquor Store</u>	-	-	-	-	<u>C</u>	-	-	-	-
<u>Animal Hospital, Large/Large Veterinary Office</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	-	-	-
<u>Animal Hospital, Small/Small Veterinary Office</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	-	-	-
<u>Arts &amp; Crafts Sales</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	-	-	-
<u>Automobile Refueling Station</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-
<u>Automobile Rental &amp; Leasing Agency</u>	-	-	<u>C</u>	<u>C</u>	<u>P</u>	-	<u>C</u>	-	-
<u>Automobile Repair, Major</u>	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>	-	-
<u>Automobile Repair, Minor</u>	-	-	<u>C**</u>	<u>C</u>	<u>C</u>	-	<u>P</u>	-	-
<u>Automobile Sales</u>	-	-	<u>C**</u>	-	<u>C</u>	-	<u>C</u>	-	-
<u>Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales &amp; Service</u>	-	-	<u>C**</u>	<u>C</u>	<u>P</u>	-	-	-	-
<u>Bakery, Commercial</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
<u>Bakery, Retail</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	<u>C</u>	-	-
<u>Bed and Breakfast</u>	-	<u>C</u>	-	-	-	<u>C</u>	-	-	-
<u>Bookstore</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	-	-	-
<u>Building Material Sales (with outdoor storage)</u>	-	-	<u>C**</u>	<u>C</u>	<u>P</u>	-	<u>C</u>	-	-
<u>Building Material Sales (without outdoor storage)</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	-	-
<u>Bus Lot</u>	-	-	-	-	-	-	-	-	<u>P</u>
<u>Car Wash (full service)</u>	-	-	<u>C</u>	-	-	-	<u>C<sup>A</sup></u>	-	-
<u>Car Wash (self service)</u>	-	-	<u>C**</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	-	-
<u>Child Care Center</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	<u>C<sup>A</sup></u>	<u>C<sup>A</sup></u>	-	-
<u>Churches</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	-	<u>C</u>	-
<u>Commercial &amp; industrial laundries</u>	-	-	-	<u>C</u>	<u>P</u>	-	-	-	-
<u>Commercial Recreation</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	-	-	-
<u>Commuter/Light Rail Station</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>C</u>	<u>C</u>	-
<u>Contract construction services establishments</u>	-	-	-	<u>C</u>	<u>P</u>	-	-	-	-
<u>Convenience Store</u>	-	<u>C</u>	<u>P</u>	<u>C</u>	-	-	<u>C<sup>E</sup></u>	-	-

<u>Convenience Store/Fast Food Combination</u>	-	-	<u>C**</u>	-	-	-	<u>C<sup>E</sup></u>	-	-
<u>Copy Center</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	-	-	<u>C<sup>A</sup></u>	-	-
<u>Crematory/Embalming Facility</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
<u>Dry Cleaners</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-
<u>Dwelling, Above commercial</u>	-	<u>P</u>	<u>C</u>	-	-	<u>P</u>	-	-	-
<u>Dwelling, Multi-Family</u>	-	<u>P</u>	-	-	-	<u>P</u>	-	-	-
<u>Dwelling, Single-Family</u>	-	<u>P</u>	-	-	-	<u>P</u>	-	-	-
<u>Dwelling, Three-Family</u>	-	<u>P</u>	-	-	-	<u>P</u>	-	-	-
<u>Dwelling, Two-Family</u>	-	<u>P</u>	-	-	-	<u>P</u>	-	-	-
<u>Educational Center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>P</u>	-
<u>Electronic Media Rental &amp; Sales</u>	-	<u>C</u>	<u>P</u>	-	-	-	-	-	-
<u>Electronic Sales &amp; Repair</u>	-	<u>C</u>	<u>P</u>	-	-	-	-	-	-
<u>Equipment Sales &amp; Services</u>	-	-	<u>C</u>	-	<u>P</u>	-	<u>C<sup>A</sup></u>	-	-
<u>Financial Institution</u>	-	<u>P</u>	<u>P</u>	-	-	-	-	-	-
<u>Fitness Center (5,000 sq. ft. or less)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>C</u>	-	-
<u>Fitness Center( 5,001 sq. ft. or larger)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	<u>P<sup>A</sup></u>	-	-
<u>Floral Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	-	-	-
<u>Fueling Station</u>	-	-	-	-	-	-	-	-	<u>P</u>
<u>Fueling Station, Cardlock Facility</u>	-	-	-	-	-	-	-	-	<u>P</u>
<u>Funeral Home</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	-	-
<u>Grocery Store</u>	-	<u>C</u>	<u>P</u>	-	-	<u>P</u>	-	-	-
<u>Hair Salon</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	-	-	-
<u>Hardware &amp; Home Improvement Retail</u>	-	<u>C</u>	<u>P</u>	-	-	-	<u>P</u>	-	-
<u>Home Occupations</u>	<u>See Chap .19.08</u>	<u>See Chap. 19.08</u>	<u>See Chapt 19.08</u>	<u>See Chap. 19.08</u>	-				
<u>Hospital</u>	-	-	<u>P</u>	-	-	-	<u>C</u>	<u>P</u>	-
<u>Hotels</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-
<u>Ice Cream Parlor</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	<u>C<sup>A</sup></u>	-	-
<u>Impound Yard</u>	-	-	-	-	<u>C</u>	-	-	-	-
<u>Kennel, Commercial</u>	-	-	<u>C</u>	<u>C</u>	<u>P</u>	-	-	-	-
<u>Laundromat</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-
<u>Library</u>	-	<u>P</u>	<u>P</u>	-	-	-	-	<u>P</u>	-

<u>Light Manufacturing</u>	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>	-	-
<u>Marina</u>	-	-	-	-	-	<u>P</u>	-	-	-
<u>Mining</u>	-	-	-	-	<u>C</u>	-	-	-	-
<u>Mixed Use</u>	-	<u>P</u>	-	-	-	<u>P</u>	-	-	-
<u>Neighborhood Grocery Store</u>	-	<u>P</u>	-	-	-	<u>P</u>	-	-	-
<u>Motels</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-
<u>Non-Depository Institutions</u>	-	-	<u>C</u>	-	-	-	-	-	-
<u>Office, High Intensity</u>	-	-	-	<u>P</u>	<u>C</u>	-	<u>C</u>	-	-
<u>Office, Medical and Health Care</u>	<u>C</u>	<u>C</u>	<u>P</u>	-	-	-	<u>P</u>	<u>P</u>	-
<u>Office, Professional</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-
<u>Pawn Shop</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
<u>Personal Service Establishment</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	-	<u>C</u>	<u>C<sup>A</sup></u>	-	-
<u>Plant &amp; Tree Nursery</u>	<u>C</u>	-	<u>C</u>	<u>C</u>	<u>P</u>	-	-	-	-
<u>Postal Center</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	-	-	-	<u>P</u>	-
<u>Preschool</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	<u>C<sup>A</sup></u>	<u>C<sup>A</sup></u>	-	-
<u>Printing, lithography &amp; publishing establishments</u>	-	-	-	<u>C</u>	<u>C</u>	-	<u>P</u>	-	-
<u>Public &amp; private utility building or facility</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	<u>C</u>
<u>Public Building or Facilities (City Owned)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Reception Centers</u>	<u>C</u>	<u>C</u>	<u>P</u>	-	-	<u>P</u>	<u>C</u>	-	-
<u>Recreation Center</u>	-	-	<u>C</u>	-	<u>C</u>	<u>C</u>	-	-	-
<u>Recreation Rentals</u>	-	-	<u>P</u>	-	-	<u>P</u>	-	-	-
<u>Recreational Vehicle Sales</u>	-	-	<u>C<sup>**</sup></u>	-	-	-	-	-	-
<u>Recycling Facilities</u>	-	-	-	-	<u>C</u>	-	-	-	-
<u>Research &amp; Development</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>P</u>	<u>P</u>	-
<u>Residential facilities for elderly persons</u>	-	<u>C</u>	-	-	-	<u>C</u>	-	-	-
<u>Residential Facilities for Persons with a Disability</u>	-	<u>C</u>	-	-	-	<u>C</u>	-	-	-
<u>Restaurant, Casual</u>	-	-	<u>P</u>	<u>C</u>	-	<u>C<sup>E</sup></u>	<u>C<sup>E</sup></u>	-	-
<u>Restaurant, Deli</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>	<u>C</u>	-	-
<u>Restaurant, Sit Down</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	-	-
<u>Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>C</u>	-	-
<u>Retail, Big Box</u>	-	-	<u>C</u>	-	-	-	-	-	-
<u>Retail, Speciality</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	-	-	-
<u>Retail, Tobacco Specialty Store</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-

<u>School, Public</u>	-	-	-	-	-	-	-	-	-
<u>School, Trade or Vocational</u>	-	-	-	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	-
<u>Self-storage or mini storage units</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
<u>Sexually Oriented Businesses</u>	-	-	-	-	<u>P</u>	-	-	-	-
<u>Shooting Range, indoor or outdoor</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
<u>Tattoo Parlor</u>	-	-	-	-	<u>C</u>	-	-	-	-
<u>Temporary Sales Trailer</u>	-	<u>T</u>	-	-	-	-	-	-	-
<u>Theater</u>	-	-	<u>C</u>	-	-	<u>C</u>	-	-	-
<u>Transit-Oriented Development (TOD)</u>	-	<u>P</u>	-	-	-	<u>P</u>	<u>C</u>	-	-

<sup>A</sup> The noted Uses shall be allowed in the listed zones as an ancillary use only.

<sup>E</sup> 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.

\*\* The noted uses shall only be allowed in the listed zones at locations that are outside the Gateway Area.

## 19.04.08. Agricultural (A).

1. **Purpose and Intent.** The purpose of the Agricultural Land Use Zone is to allow for the continuation of agricultural practices and rural residential neighborhoods where farming is allowed together with the keeping of large animals. Residential densities in this zone shall not exceed 1 ERU per five acres.

~~—Permitted Uses. The following uses identified in 19.04.07.2 are as~~ Permitted Uses in the Agricultural (A) ~~Land Use Zone.~~

2.

- ~~a. Agriculture~~
- ~~b. Apiary~~
- ~~c. Charter School~~
- ~~d. Keeping of Farm Animals, as allowed in Section 19.05.05 of this Code~~
- ~~e. Golf Course~~
- ~~f. Large Animal Hospital/Large Veterinary Office~~
- ~~g. Production of Fruit and Crops~~
- ~~h. Public Parks~~
- ~~i. Single Family Dwellings~~
- ~~j. Stables~~
- ~~k. Temporary Sales Trailers~~

~~2. Conditional Uses. The uses identified in 19.04.07.2 as following uses are~~ Conditional Uses in the Agricultural (A) ~~Land Use Zone.~~

- ~~a. Bed and Breakfast~~
- ~~b. Cemetery~~
- ~~c. Child Care Center~~
- ~~d. Churches~~
- ~~e. Education Center~~
- ~~f. Equestrian Center~~
- ~~g. Home Occupations~~
- ~~h. Livestock Auction Yard~~
- ~~i. Plant and Tree Nursery~~
- ~~j. Private Kennels~~
- ~~k. Private and Quasi-Public Schools~~
- ~~l. Produce Stand or Farmers Market~~
- ~~m. Public and Private Utility Buildings or Facilities~~
- ~~n. Public Building or Facilities (City Owned)~~
- ~~o. Public Schools~~
- ~~p. Residential Facilities for Elderly Persons~~
- ~~q. Riding Arena, Commercial~~
- ~~r. Riding Arena, Private~~

3.

**3.4. Minimum Lot Sizes.** The minimum residential lot size in this zone is 5 acres. Schools or other nonresidential uses may require a minimum size greater than 5 acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.

**4.5. Setbacks and Yard Requirements.**

~~a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~

~~b.a.~~ All buildings intended for occupancy or principal buildings in this zone are required to maintain ~~a minimum distance from property lines setbacks~~ as follows:

- i. Front: 50 feet (~~including for corner lots, this applies to both street frontages~~)
- ii. Sides: 12 feet
- iii. Rear: 25 feet

~~e.b.~~ All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:

- i. Sides: 25 feet
- ii. Rear: 25 feet
- iii. Front: same as principal structure
- ~~ii.~~

~~iii.~~iv. Minimum separation between accessory buildings used for animals and dwellings: 60 feet.

**5.6. Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.

**6.7. Minimum Lot Frontage.** Every lot in this zone shall have at least 250 feet of frontage along a public or private street.

**7.8. Maximum Height of Structures.** No structure in this zone shall be taller than 35 feet or less if otherwise restricted by local, state, or federal height restrictions.

**8.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%.

**9.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,600 square feet of living space above grade.

**10.11. Open Space Requirement.** There is no minimum requirement for open space in this zone.

**11.12. Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.

| ~~12.13.~~ **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference

## 19.04.09. Residential Agricultural (RA-5).

1. **Purpose and Intent.** The purpose of the Residential Agricultural (RA-5) Land Use Zone is to allow for the continuation of agricultural practices and the raising of livestock. It covers the portion of the City which historically has been irrigated and utilized for these purposes in Utah County along Lehi-Fairfield Road prior to annexation.
  - a. Although this zone has been established to protect agricultural rights and the raising of livestock, certain non-farm uses, as established herein, and residences on lots large enough to minimize conflict with surrounding properties are allowed in the zone.
  - b. Residential densities in this zone shall not exceed one ERU per five acres.
2. **Permitted Uses.** The ~~uses identified in 19.04.07.2 as following uses are~~ Permitted Uses in the Residential Agricultural (RA-5) Land Use Zone:.

- ~~3. Agriculture~~
- ~~4. Apiary~~
- ~~5. Charter School~~
- ~~6. Chickens (see Sections 19.05.05 and 19.95.06)~~
- ~~7. Dairy Farm~~
- ~~8. Farm Animals, as allowed in Section 19.05.05 of this Code~~
- ~~9. Golf Course~~
- ~~10. Large Animal Hospital/Large Veterinary Office~~
- ~~11. Production of Food and Crops~~
- ~~12. Public Parks~~
- ~~13. Riding Arena, Private~~
- ~~14. Single Family Dwellings~~
- ~~15. Stables~~
- ~~16. Temporary Sales Trailer~~

~~17.3.~~ **Conditional Uses.** The uses identified in 19.04.07.2 as following uses are Conditional Uses in the Residential Agricultural (RA-5) ~~Land Use Zone.~~

- ~~18. Bed and Breakfast~~
- ~~19. Cemetery~~
- ~~20. Child Care Center~~
- ~~21. Churches~~
- ~~22. Educational Center~~
- ~~23. Equestrian Center~~
- ~~24. Home Occupations~~
- ~~25. Livestock Auction Yard~~
- ~~26. Plant and Tree Nursery~~
- ~~27. Private Kennels~~
- ~~28. Private and Quasi Public Schools~~
- ~~29. Produce Stand or Farmers Market~~
- ~~30. Public and Private Utility Buildings or Facilities~~
- ~~31. Public Building or Facility (City Owned)~~
- ~~32. Public Schools~~
- ~~33. Residential Facilities for Elderly Persons~~
- ~~34. Riding Arena, Commercial~~
- ~~35.~~

~~36.4.~~ **Minimum Lot Sizes.** The minimum residential lot size in this zone is five acres. Schools or other nonresidential uses may require a minimum size greater than five acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.

~~37.5.~~ **Setbacks and Yard Requirements.**

~~a.~~ Setbacks and yard requirements describe the amount of space required between buildings and property lines.

~~b.a.~~ All buildings intended for occupancy or principal buildings in this zone are required to maintain a minimum distance from property lines setbacks as follows:

- ~~i.~~ Front: fifty feet (including for corner lots, this applies to both street frontages)
- ~~ii.~~ Sides: twelve feet
- ~~iii.~~ Rear: twenty-five feet

~~e.b.~~ All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:

- ~~i.~~ Sides: twenty-five feet
- ~~i.~~ Rear: twenty-five feet

~~ii.~~ Front: same as principal structure

~~ii.iv.~~ Minimum separation between an accessory building used for animals and a dwelling: sixty feet.

~~38.6.~~ **Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.

~~39.7.~~ **Minimum Lot Frontage.** Every lot in this zone shall have at least 250 feet of frontage along a public or private street.

~~40.8.~~ **Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet or less if otherwise restricted by local, state or federal height restrictions.

~~41.9.~~ **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

~~42.10.~~ **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,600 square feet of living space above grade.

~~43.11.~~ **Open Space Requirement.** There is no minimum requirement for open space in this zone.

~~44.12.~~ **Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.

~~45.13.~~ **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

#### 19.04.10. Rural Residential (RR).

1. **Purpose and Intent.** The purpose of the Rural Residential Land Use Zone is to allow for the establishment of large lot residential developments that preserve natural view corridors, open spaces, environmentally-sensitive lands and that more fully preserves the rural character of Saratoga Springs. Residential densities in this zone shall not exceed one ERU per acre.

2. **Permitted Uses.** The ~~identified in 19.04.07.2 as following uses are~~ Permitted Uses in the Rural Residential (RR) ~~Land Use Zone:~~

- ~~a. Agriculture~~
- ~~b. Apiary~~
- ~~c. Charter School~~
- ~~d. Chickens (see Sections 19.05.05 and 19.95.06)~~
- ~~e. Farm Animals, as allowed in Section 19.05.05 of this Code~~
- ~~f. Golf Course~~
- ~~g. Public Parks~~
- ~~h. Riding Arena, Private~~
- ~~i. Single Family Dwellings~~
- ~~j. Temporary Sales Trailers~~

3. **Conditional Uses.** The ~~uses identified in 19.04.07.2 as following uses are~~ Conditional Uses in the Rural Residential (RR) ~~Land Use Zone:~~

- ~~4. Bed and Breakfast~~
- ~~5. Cemetery~~
- ~~6. Child Care Center~~
- ~~7. Churches~~
- ~~8. Educational Center~~
- ~~9. Home Occupation~~
- ~~10. Plant and Tree Nursery~~
- ~~11. Preschool~~
- ~~12. Private Kennel~~
- ~~13. Private and Quasi-Public Schools~~
- ~~14. Produce Stand or Farmers Market~~
- ~~15. Public and Private Utility Buildings or Facilities~~
- ~~16. Public Building or Facilities (City Owned)~~
- ~~17. Public Schools~~
- ~~18. Residential Facilities for Elderly Persons~~
- ~~19. Riding Arena, Commercial~~
- ~~a.3. Stables.~~

20.4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is one acre, and may be greater for Conditional Uses. Conditional uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. In establishing the minimum lot size for Conditional Uses, the City

Council will use the standards found in this Title, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

**21.5. Setbacks and Yard Requirements.**

- a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
- b. All buildings intended for occupancy or principal buildings in this zone are required to maintain a minimum distance from property lines as follows:
  - i. Front: thirty-five feet (~~including for~~ corner lots, this applies to both street frontages)
  - ii. Sides: twelve feet
  - iii. Rear: twenty-five feet
- c. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. Sides: twenty-five feet
  - ii. Rear: twenty-five feet
  - ~~iii.~~ iii. Front: same as principal structure
  - ~~iv.~~ iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.

**22.6. Minimum Lot Width.** Every lot in this zone shall be at least 100 feet in width at the front building setback.

**23.7. Minimum Lot Frontage.** Every lot in this zone shall have at least seventy-five feet of frontage along a public or private street.

**24.8. Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

**25.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

**26.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,600 square feet of living space above grade.

**27.11. Open Space Requirement.** There is no minimum requirement for open space in this zone.

**28.12. Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.

**29. Trash Storage.**

**13.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference

**19.04.11. Low Density Residential (R-1).**

1. **Purpose and Intent.** The purpose of the Low Density Residential (R-1) is to allow for the establishment of large lot residential developments that preserve natural view corridors, open spaces, environmentally-sensitive lands, and the rural character of Saratoga Springs. Residential densities in this zone shall not exceed one ERU per acre.

~~2.—Permitted Uses. The uses identified in 19.04.07.2 as following uses are Permitted Uses in the Low Density Residential (R-1) Land Use Zone:.~~

~~3.—Charter School~~

~~4.—Chicken keeping (see Sections 19.05.06)~~

~~5.—Golf Course~~

~~6.—Public Parks~~

~~7.—Single Family Dwellings~~

~~8.2. Temporary Sales Trailer~~

~~9.—Conditional Uses. The uses identified in 19.04.07.2 as following uses are Conditional Uses in the Low Density Residential (R-1) Land Use Zone:~~

~~10. Bed and Breakfast~~

~~11. Cemetery~~

~~12. Child Care Center~~

~~13. Churches~~

~~14. Educational Center~~

~~15. Home Occupation~~

~~16. Preschool~~

~~17. Private and Quasi-Public Schools~~

~~18. Public and Private Utility Buildings or Facilities~~

~~19. Public Building or Facilities (City Owned)~~

~~20. Public Schools~~

~~21.3. \_\_\_\_\_ Residential Facilities for Elderly Persons.~~

~~22.4.~~ **Minimum Lot Sizes.** The minimum residential lot size in this zone is one acre, and may be greater for Conditional Uses. Conditional uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in this Title, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

**5. Setbacks and Yard Requirements.**

~~a.~~ ~~Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~

~~b.a.~~ All buildings intended for occupancy or principal buildings in this zone are required to maintain ~~a~~ minimum ~~distance from property lines~~ setbacks as follows:

- i. Front: thirty-five feet (~~including for~~ corner lots, this applies to both street frontages)
- ii. Sides: twelve feet
- iii. Rear: twenty-five feet

~~e.b.~~ All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:

- i. Sides: twenty-five feet
- ii. Rear: twenty-five feet

~~ii.~~ iii. Front: same as principal structure

~~iii.~~ iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.

**6. Minimum Lot Width.** Every lot in this zone shall be at least 100 feet in width at the front building setback.

**7. Minimum Lot Frontage.** Every lot in this zone shall have at least seventy-five feet of frontage along a public or private street.

**8. Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

**9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

**10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,600 square feet of living space above grade.

**11. Open Space Requirement.** There is no minimum requirement for open space in this zone.

12. **Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
13. **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference

## 19.04.12. Low Density Residential (R-2).

1. **Purpose and Intent.** The purpose of the Low Density Residential (R-2) Land Use Zone is to allow for the establishment of single family neighborhoods on large lots that are characteristics of traditional suburban residential neighborhoods. Residential densities in this zone shall not exceed two ERUs per acre.

~~2.—Permitted Uses. The uses identified in 19.04.07.2 as following-uses-are Permitted Uses in the Low Density Residential (R-2) Land Use Zone:~~

~~3.—Charter School~~

~~4.—Chickens (see Sections 19.05.05 and 19.95.06)~~

~~5.—Public Parks~~

~~6.—Single Family Dwellings~~

~~7.2. Temporary Sales Trailer.~~

~~8.—Conditional Uses. The uses identified in 19.04.07.2 as following-uses-are Conditional Uses in the Low Density Residential (R-2) Land Use Zone:~~

~~9.—Bed and Breakfast~~

~~10.—Cemetery~~

~~11.—Child Care Center~~

~~12.—Churches~~

~~13.—Educational Center~~

~~14.—Golf Course~~

~~15.—Home Occupation~~

~~16.—Preschool~~

~~17.—Public and Private Utility Buildings or Facilities~~

~~18.—Public Building or Facilities (City Owned)~~

~~19.—Public Schools~~

~~20.3. Residential Facilities for Elderly Persons.~~

### ~~21.4.~~ **Minimum Lot Sizes.**

- a. The minimum lot size for any residential use in this zone is 14,000 square feet, and may be greater for Conditional Uses. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.
- b. Residential lots may be proposed that are less than 14,000 square feet as indicated in this Subsection.
  - i. The City Council may approve a reduction in the lot size if such reduction serves a public or neighborhood purpose such as:
    1. a significant increase in the amount or number of parks and recreation facilities proposed by the developer of property in this zone;
    2. the creation of additional and significant amenities that may be enjoyed by all residents of the neighborhood;

- 3. the preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space requirements in this zone – see definition of “open space” in Section 19.02.02 ); or
- 4. any other public or neighborhood purpose that the City Council deems appropriate.
- ii. In no case shall the overall density in any approved project be increased above what is allowed within the underlying zone as a result of an approved decrease in lot size pursuant to these regulations.
- iii. In making a determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
- iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
- iv.v. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.
- c. The minimum lot size for any non-residential use in this zone is one acre.
  - i. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre in size:
    - 1. the maximum number of individuals using the building at one time;
    - 2. the number of required off-street parking spaces required in this Title;
    - 3. traffic and transportation concerns;
    - 4. compatibility with adjacent uses;
    - 5. adverse impacts on adjacent uses; and
    - 6. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.)

22.5. **Setbacks and Yard Requirements.**

~~a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~

~~b.a.~~ All buildings in this zone are required to maintain a minimum distance from property lines as follows:

- i. Front: twenty-five feet. An unenclosed front entry or porch may encroach up to five feet into the required front setback.
- ii. Sides: 8/20 feet (minimum/combined)
- iii. Rear: twenty-five feet

**e.b. Corner Lots:**

- i. There shall be a minimum setback on corner lots as follows:
  1. Front: twenty-five feet
  2. Side abutting the street: twenty feet
- ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.

**d.c.** All accessory buildings in this zone are also required to maintain a five-foot minimum separation between accessory buildings and dwellings in this land use zone.

**23.6. Minimum Lot Width.** Every lot in this zone shall be at least ninety feet in width at the front building setback.

**24.7. Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street.

**25.8. Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

**26.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

**27.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,500 square feet of living space above grade.

**28.11. Open Space Requirement.** There shall be a minimum requirement of fifteen percent of the total project area to be installed and dedicated as open space ~~for either public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

**29.12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

**13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference

### 19.04.13. Low Density Residential (R-3).

1. **Purpose and Intent.** The purpose of the Low Density Residential (R-3) Land Use Zone is to allow for the establishment of single family neighborhoods on medium-sized lots that are characteristic of traditional suburban residential neighborhoods. Residential densities in this zone shall not exceed three ERUs per acre.

2. **Permitted Uses.** The ~~uses identified in 19.04.07.2~~ following uses are Permitted Uses in the Low Density Residential (R-3) ~~Land Use Zone:~~

- ~~a. Charter School~~
- ~~b. Chickens (see Sections 19.05.05 and 19.05.06)~~
- ~~c. Public Parks~~
- ~~d. Single Family Dwellings~~
- ~~e. Temporary Sales Trailer~~

3. **Conditional Uses.** The ~~uses identified in 19.04.07.2 as following uses are~~ Conditional Uses in the Low Density Residential (R-3) ~~Land Use Zone:~~

- ~~4. Bed and Breakfast~~
- ~~5. Cemetery~~
- ~~6. Child Care Center~~
- ~~7. Churches~~
- ~~8. Educational Center~~
- ~~9. Golf Course~~
- ~~10. Home Occupation~~
- ~~11. Preschool~~
- ~~12. Public and Private Utility Buildings or Facilities~~
- ~~13. Public Building or Facilities (City Owned)~~
- ~~14. Public Schools~~
- ~~15.3. Residential Facilities for Elderly Persons.~~

#### ~~16.4.~~ **Minimum Lot Sizes.**

- a. The minimum lot size for any residential use in this zone is 10,000 square feet.
- b. Residential lots may be proposed that are less than 10,000 square feet as indicated in this Subsection.
  - i. The City Council may approve a reduction in the lot size if it finds that such a reduction serves a public or neighborhood purpose such as:
    - 1. a significant increase in the amount or number of parks and recreation facilities proposed by the developer of property in this zone;
    - 2. the creation of significant amenities that may be enjoyed by all residents of the neighborhood;
    - 3. the preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space

requirements in this zone – see the definition of “open space” in § 19.02.02); or

4. any other public or neighborhood purpose that the City Council deems appropriate.
- ii. In no case shall the overall density in any approved project be increased as a result of an approved decrease in lot size pursuant to these regulations.
- iii. In making its determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
- ~~iv.~~—In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
- ~~iv.~~
- ~~v.~~ In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.
- d. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
  - i. the maximum number individuals using the building at one time;
  - ii. the number of required off-street parking spaces required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- e. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements.

#### 17.5. **Setbacks and Yard Requirements.**

- ~~a.~~—~~Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~
- ~~b.~~a. All principal buildings in this zone are required to maintain a minimum distance from property lines as follows:
  - i. Front: twenty-five feet. An unenclosed front entry and porch may encroach up to five feet into the required front setback.
  - ii. Sides: 8/20 feet (minimum/combined)

iii. Rear: twenty-five feet

**e.b. Corner Lots:**

i. There shall be a minimum setback on corner lots as follows:

1. Front: twenty-five feet
2. Side abutting the street: twenty feet

ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.

**d.c. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:**

i. Sides: five feet

ii. Rear: five feet

ii-iii. Corner: same as principal structure

**e.d. There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.**

**18.6. Minimum Lot Width.** Every lot in this zone shall be at least 70 feet in width at the front building setback.

**19.7. Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street.

**20.8. Maximum Height of Structures.** No structure in this zone shall be taller than thirty five feet.

**21.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

**22.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,250 square feet of living space above grade.

**23.11. Open Space Requirement.** There shall be a minimum requirement of fifteen percent of the total project area to be installed as open space ~~to be either public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

**24.12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.

- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

13. **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

#### 19.04.14. Low Density Residential (R-4).

1. **Purpose and Intent.** The purpose of the Low Density (R-4) Land Use Zone is to allow for the establishment of single family neighborhoods on medium-sized lots that are characteristic of traditional suburban residential neighborhoods. Residential densities in this zone are limited to minimum lot size requirements and shall not exceed four ERUs per acre.

~~2.—Permitted Uses.~~ The ~~uses identified in 19.04.07.2 as following uses are~~ Permitted Uses in the Low Density Residential (R-4) ~~Land Use Zone:~~

~~3.—Charter School~~

~~4.—Chickens (see Sections 19.05.05 and 19.05.06)~~

~~5.—Public Parks~~

~~6.—Single Family Dwellings~~

~~7.2. Temporary Sales Trailer.~~

~~8.—Conditional Uses.~~ The ~~uses identified in 19.04.07.2 as following uses are~~ Conditional Uses in the Low Density Residential (R-4) ~~land Use Zone:~~

~~9.—Bed and Breakfast~~

~~10. Cemetery~~

~~11. Child Care Center~~

~~12. Churches~~

~~13. Educational Center~~

~~14. Golf Course~~

~~15. Home Occupation~~

~~16. Preschool~~

~~17. Public and Private Utility Buildings or Facilities~~

~~18. Public Building or Facilities (City Owned)~~

~~19. Public Schools~~

~~20.3. Residential Facilities for Elderly Persons.~~

#### 21.4. **Minimum Lot Sizes.**

- a. The minimum lot size for any residential use in this zone is 9,000 square feet.
- b. Residential lots may be proposed that are less than 9,000 square feet as indicated in this Subsection.
  - i. The City Council may approve a reduction if it finds that such a reduction serves a public or neighborhood purpose such as:
    1. A significant increase in the amount or number of parks and recreation facilities proposed by the developer of the property in this zone;
    2. The creation of significant amenities that may be enjoyed by all residents of the neighborhood;
    3. The preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space requirements in this zone – see definition of “open space” in § 19.02.02); or

4. Any other public or neighborhood purpose that the City Council deems appropriate.

4.5. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.

- ii. In no case shall the overall density in any approved project be increased as a result of an approved decrease in lot size pursuant to these regulations.
  - iii. In making its determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
  - iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
- c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches, or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
- i. the maximum number individuals using the building at one time;
  - ii. the number of required off-street parking spaces required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- d. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

22.5. Setbacks and Yard Requirements.

- a. ~~Setbacks and yard requirements are intended to describe the amount of space required between buildings and are required to maintain a minimum distance from property lines as follows:~~ All principal buildings in this zone are required to maintain setbacks as follows
  - i. Front: twenty-five feet. An unenclosed front entry and porch may encroach up to five feet into the required front setback.
  - ii. Sides: 8/16 (minimum/combined)
  - iii. Rear: twenty feet
- b. Corner Lots:
  - i. There shall be a minimum setback on corner lots as follows:
    - 1. Front: twenty-five feet
    - 2. Side abutting the street: twenty feet

- ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
- c. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. Sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner: same as principal structure
- d. There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

**23.6. Minimum Lot Width.** Every lot in this zone shall be at least 70 feet in width at the front building setback.

**24.7. Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street.

**25.8. Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

**26.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

**27.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,250 square feet of living space above grade.

**28.11. Open Space Requirement.** There shall be a minimum requirement of fifteen percent of the total project area to be installed as open space ~~to be either public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

**29.12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

**30.13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is

incorporated herein by this reference.

#### 19.04.15. Low Density Residential (R-5).

1. **Purpose and Intent.** The purpose of the Low Density (R-5) Land Use Zone is to allow for the establishment of single family neighborhoods on medium-sized lots that are characteristic of traditional suburban residential neighborhoods. Residential densities in this zone are limited to minimum lot size requirements and shall not exceed five ERUs per acre.

~~2.—Permitted Uses. The uses identified in 19.04.07.2 as following uses are Permitted Uses in the Low Density Residential (R-5) Land Use Zone:~~

~~3.—Charter School~~

~~4.—Chickens (see Sections 19.05.05 and 19.05.06)~~

~~5.—Public Parks~~

~~6.—Single Family Dwellings~~

~~7.2. Temporary Sales Trailer.~~

~~8.—Conditional Uses. The uses identified in 19.04.07.2 as following uses are Conditional Uses in the Low Density Residential (R-5) land Use Zone:~~

~~9.—Bed and Breakfast~~

~~10. Cemetery~~

~~11. Child Care Center~~

~~12. Churches~~

~~13. Educational Center~~

~~14. Golf Course~~

~~15. Home Occupation~~

~~16. Preschool~~

~~17. Public and Private Utility Buildings or Facilities~~

~~18. Public Building or Facilities (City Owned)~~

~~19. Public Schools~~

~~20. Residential Facilities for Elderly Persons~~

~~21.3. Residential Treatment Facilities for Persons with a Disability (See Section 19.05.09).~~

~~22.4. Minimum Lot Sizes.~~

- a. The minimum lot size for any residential use in this zone is 8,000 square feet.
- b. Residential lots may be proposed that are less than 8,000 square feet as indicated in this Subsection.
  - i. The City Council may approve a reduction if it finds that such a reduction serves a public or neighborhood purpose such as:
    1. A significant increase in the amount or number of parks and recreation facilities proposed by the developer of the property in this zone;
    2. The creation of significant amenities that may be enjoyed by all residents of the neighborhood;
    3. The preservation of sensitive lands (these areas may or may not

be eligible to be counted towards the open space requirements in this zone – see definition of “open space” in § 19.02.02; or

4. Any other public or neighborhood purpose that the City Council deems appropriate.

5. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.

- ii. In no case shall the overall density in any approved project be increased as a result of an approved decrease in lot size pursuant to these regulations.
- iii. In making its determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
- iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.

c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:

- i. the maximum number individuals using the building at one time;
- ii. the number of required off-street parking required in this Title;
- iii. traffic and transportation concerns;
- iv. compatibility with adjacent uses;
- v. adverse impacts on adjacent uses; and
- vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).

d. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

#### 23:5. **Setbacks and Yard Requirements.**

~~a. Setbacks and yard requirements are intended to describe the amount of space required between: (1) buildings; and (2) a building and a property line.~~

~~b.a.~~ All principal buildings in this zone are required to maintain a minimum distance from property lines setbacks as follows:

- i. Front: twenty-five feet. An unenclosed front entry and porch may encroach up to five feet into the required front setback.
- ii. Sides: 6/12 (minimum/combined)
- iii. Rear: twenty feet

~~e.b.~~ Corner Lots:

- i. There shall be a minimum setback on corner lots as follows:
  1. Front: twenty-five feet
  2. Side abutting the street: twenty feet
- ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.

~~d.c.~~ All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:

- i. Sides: five feet
- ii. Rear: five feet
- iii. Front: same as principal structure
- iv. Corner: same as principal structure

~~e.d.~~ There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

24.6. **Minimum Lot Width.** Every lot in this zone shall be at least 60 feet in width at the front building setback.

25.7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street.

26.8. **Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

27.9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

28.10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,250 square feet of living space above grade.

29.11. **Open Space Requirements.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open space ~~to be either public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

30.12. **Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

| **31.13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference

## 19.04.16. Medium Density Residential (R-6).

1. **Purpose and Intent.** The purpose of Medium Density Residential (R-6) Land Use Zone is to allow for a mix of permitted housing types. Residential densities in this zone shall not exceed six ERUs per acre.

~~2.—Permitted Uses. The uses identified in 19.04.07.2 as following uses are Permitted Uses in the Medium Density Residential (R-6) Land Use Zone:~~

~~3.—Charter School~~

~~4.—Public Parks~~

~~5.—Single family dwellings~~

~~6.—Temporary Sales Trailer~~

~~7.—Three Family Structures~~

~~8.2.Two Family Structures.~~

~~9.—Conditional Uses. The uses identified in 19.04.07.2 as following uses are Conditional Uses in the Medium Density Residential (R-6) Land Use Zone:~~

~~10. Cemetery~~

~~11. Child Care Center~~

~~12. Churches~~

~~13. Educational Center~~

~~14. Home Occupations~~

~~15. Preschool~~

~~16. Public and Private Utility Buildings or Facilities~~

~~17. Public Building or Facilities (City Owned)~~

~~18. Public Schools~~

~~19.3. \_\_\_\_\_ Residential Facilities for Elderly persons.~~

### ~~20.4. \_\_\_\_\_~~ **Minimum Lot Sizes.**

- a. The minimum lot size for any residential use in this zone is 6,000 square feet. For Two-Family and Three-Family Structures where each dwelling is separately owned, the minimum lot size shall be based on each building rather than each individual dwelling.
- b. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
  - i. the maximum number individuals using the building at one time;
  - ii. the number of required off-street parking required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).

- c. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements.

**21.5. Setbacks and Yard Requirements.**

~~a.~~ ~~Setbacks and yard requirements are intended to describe the amount of space required between: (1) buildings; and (2) a building and a property line.~~

~~b.~~a. All principal buildings in this zone are required to maintain ~~a~~ minimum distance from property lines setbacks as follows:

i. Front: twenty-five feet.

1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.

2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 15 feet.

ii. Sides:

1. single family residences: 5/10 feet (minimum/combined);
2. two-family and three-family structures: ten feet

iii. Rear: twenty feet

~~e.~~b. Corner Lots:

i. There shall be a minimum setback on corner lots as follows:

1. Front: twenty-five feet
2. Side abutting the street: twenty feet

ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.

~~d.~~c. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:

i. Sides: five feet

ii. Rear: five feet

iii. Front: same as principal structure

iv. Corner: same as principal structure

~~e.~~d. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

**22.6. Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For Two-Family and Three-Family Structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling or lot.

**23.7. Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For Two-Family and Three-Family Structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.

**24.8. Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

**25.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent. For Two-Family and Three-Family Structures where each dwelling is separately owned, the maximum lot coverage shall be based on all of the buildings combined rather than each dwelling.

**26.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,000 square feet of living space above grade.

**27.11. Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open space ~~to be either public or common space~~ not reserved in individual lots. Such open space shall meet the definition of open space in § 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

**28.12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

**29.13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference

#### 19.04.17. Medium Density Residential 10 (R-10).

1. **Purpose and Intent.** The purpose of the Medium Density Residential (R-10) Zone is to allow for the establishment of medium density residential neighborhoods. This land use zone, ~~in conjunction with the General Plan,~~ recognizes that in order for the City to be a well-rounded community, many different housing styles, types, and sizes should be permitted. Residential densities in this zone shall not exceed ten ERUs per acre.

~~2. Permitted Uses.~~ The ~~uses identified in 19.04.07.2 as following uses are~~ Permitted Uses in the Medium Density Residential (R-10) ~~Land Use Zone:~~

~~3. Charter School~~

~~4. Multi-Family Structures~~

~~5. Public Park~~

~~6. Single Family Dwellings~~

~~7. Temporary Sales Trailer~~

~~8. Three-Family Structures~~

~~9.2. Two-Family Structures.~~

~~10. Conditional Uses.~~ The ~~uses identified in 19.04.07.2 as following uses are~~ Conditional Uses in the Medium Density Residential (R-10) ~~Land Use Zone:~~

~~11. Cemetery~~

~~12. Child Care Center~~

~~13. Churches~~

~~14. Educational Center~~

~~15. Home Occupations~~

~~16. Office buildings on properties smaller than one acre in size and only as part of a Multi-Family Structure project~~

~~17. Preschool~~

~~18. Public and Private Utility Buildings or Facilities~~

~~19. Public Building or Facilities (City Owned)~~

~~20. Public Schools~~

~~21.3. Residential Facilities for Elderly Persons.~~

~~22.4. Minimum Lot Sizes.~~

a. The minimum lot size for single-family dwellings is 5,000 square feet. For multi-family structures where each dwelling is separately owned, the minimum lot size shall be based on each building rather than each individual dwelling.

b. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:

i. the maximum number individuals using the building at one time;

- ii. the number of required off-street parking required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.
- c. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements.
- d. Projects containing multi-family structures shall be located on property at least five acres in size.

**23.5. Setbacks and Yard Requirements.**

- ~~a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~
- ~~b.~~a. All principal buildings in this zone are required to maintain ~~a minimum~~ distance from property lines setbacks as follows:

- i. Front: twenty-five feet.
  - 1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
  - 2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be combined with a reduced setback for the front plane but in no case shall the front plane and porch combined be set back less than 15 feet.
- ii. Sides:
  - 1. single family residences: 5/10 feet (minimum/combined)
  - 2. multi-family structures: ten feet
- iii. Rear: twenty feet

**e.b. Corner Lots:**

- i. There shall be a minimum setback on corner lots as follows:
  - 1. Front: twenty- feet
  - 2. Side abutting the street: fifteen feet
- ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.

**d.c. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:**

- i. Sides: five feet
- ii. Rear: five feet**
- iii. Front: same as principal structure**
- iv. Corner: same as principal structure**

**e.d. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.**

**24.6. Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling.

**25.7. Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.

**26.8. Maximum Building Height.** No building in this zone shall be taller than forty-three feet.

~~27.9.~~ **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the maximum lot coverage shall be based on all of the buildings combined rather than each individual dwelling.

~~28.10.~~ **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,000 square feet of living space above grade.

~~29.11.~~ **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open space ~~either as public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

~~30.12.~~ **Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands

~~31.13.~~ **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

## 19.04.18. High Density Residential 14 (R-14).

1. **Purpose and Intent.** The purpose of the High Density Residential (R-14) Zone is to allow for the establishment of single family neighborhoods on small lots and to allow for a mix of single family and multi-family housing types. Residential densities in this zone shall not exceed fourteen ERUs per acre.

~~2.—Permitted Uses. The uses identified in 19.04.07.2 as following-uses-are Permitted Uses in the High Density Residential (R-14) Land Use Zone:~~

~~3.—Charter School~~

~~4.—Multi-Family Structures~~

~~5.—Public Parks~~

~~6.—Single-Family Dwellings~~

~~7.—Temporary Sales Trailer~~

~~8.—Three-Family Structures~~

~~9.2.Two-Family Structures.~~

~~10.—Conditional Uses. The uses identified in 19.04.07.2 as following-uses-are Conditional Uses in the High Density Residential (R-14) Land Use Zone:~~

~~11.—Cemetery~~

~~12.—Child-Care Center~~

~~13.—Churches~~

~~14.—Educational Center~~

~~15.—Home Occupations~~

~~16.—Preschool~~

~~17.—Public and Private Utility Buildings or Facilities~~

~~18.—Public Building or Facilities (City Owned)~~

~~19.—Public Schools~~

~~20.3.\_\_\_\_\_Residential Facilities for Elderly Persons.~~

~~21.4.\_\_\_\_\_Minimum Lot Sizes.~~

- a. The minimum lot size for single-family dwellings is 5,000 square feet. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot size shall be based on each building rather than each individual dwelling.
- b. Projects containing multi-family structures shall be located on property at least five acres in size.
- c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches, or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
  - i. the maximum number of individuals using the building at one time;
  - ii. the amount of required off-street parking required in this Title;

- iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- d. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements

**22.5. Setbacks and Yard Requirements.**

- a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
- b. All principal buildings in this zone are required to maintain ~~a~~ minimum distance from property lines setbacks as follows:
  - i. Front: twenty-five feet.
    - 1. The front plane of the home may encroach by up to five feet into the required setback if the garage is setback an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
    - 2. An unenclosed front entry or porch may encroach up to five feet into the twenty-five-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
  - ii. Sides:
    - 1. single family residences: 5/10 feet (minimum/combined)
    - 2. multi-family structures: ten feet
  - iii. Rear: twenty feet
- c. Corner Lots:
  - i. There shall be a minimum setback on corner lots as follows:
    - 1. Front: twenty-five feet
    - 2. Side abutting the street: twenty feet
  - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
- d. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. Sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure

~~ii~~.iv. Corner: same as principal structure

- e. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

~~23~~.6. **Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling.

~~24~~.7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.

~~25~~.8. **Maximum Height of Structures.** No building in this zone shall be taller than ~~thirty-five~~forty feet.

~~26~~.9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the maximum lot coverage shall be based on all of the buildings combined rather than each individual dwelling.

~~27~~.10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 800 square feet of living space above grade.

~~28~~.11. **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open space ~~either as public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

**29.12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

**30.13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

**19.04.19. High Density Residential (R-18).**

1. **Purpose and Intent.** The purpose of the High Density Residential 18 Land Use Zone is to allow for the establishment of single family neighborhoods on small lots and to allow for a mix of single family and multi-family housing types. Residential densities in this zone shall not exceed eighteen ERUs per acre.

~~2.—Permitted Uses. The uses identified in 19.04.07.2 as following uses are Permitted Uses in the High Density Residential (R-18) Land Use Zone:~~

~~3.—Charter School~~

~~4.—Multi-Family Dwellings~~

~~5.—Public Parks~~

~~6.—Single-Family Dwellings~~

~~7.—Temporary Sales Trailer~~

~~8.—Three-Family Structures~~

~~9.2.Two-Family Structures.~~

~~10.—Conditional Uses. The uses identified in 19.04.07.2 as following uses are Conditional Uses in the High Density Residential (R-18) Land Use Zone:~~

~~11.—Cemetery~~

~~12.—Child-Care Center~~

~~13.—Churches~~

~~14.—Educational Center~~

~~15.—Home Occupations~~

~~16.—Preschool~~

~~17.—Public and private Utility Buildings or Facilities~~

~~18.—Public Building or Facilities (City Owned)~~

~~19.—Public Schools~~

~~20.3.\_\_\_\_\_Residential Facilities for Elderly Persons.~~

**21.4. Minimum Lot Sizes.**

- a. The minimum lot size for any residential use in this zone is 5,000 square feet. For multi-family structures where each dwelling is separately owned, the minimum lot size shall be based on each building rather than each individual dwelling.
- b. Home Occupations or other uses may require a minimum size greater than 5,000 square feet and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. In making this determination, the City Council shall use the following criteria to determine whether a minimum lot size greater than 5,000 square feet shall be required:
  - i. the maximum number individuals using the building at one time;
  - ii. the number of required off-street parking required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
  - i. the maximum number individuals using the building at one time;
  - ii. the number of required off-street parking required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- d. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements.

**22.5. Setbacks and Yard Requirements.**

- a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
- b. All principal buildings in this zone are required to maintain ~~a~~ minimum distance from property lines setbacks as follows:
  - i. Front: twenty-five feet.
    - 1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the

garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.

2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
  - ii. Sides: single family residences: 5/10 feet (minimum/combined); multi-family structures: ten feet
  - iii. Rear: twenty feet
- c. Corner Lots:
  - i. There shall be a minimum setback on corner lots as follows:
    1. Front: twenty feet
    2. Side abutting the street: fifteen feet
  - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.
- d. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. Sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner: same as principal structure
- e. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

**23.6. Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling.

**24.7. Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.

**25.8. Maximum Height of Structures.** No building in this zone shall be taller than thirty-five feet.

**26.9. Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the maximum lot coverage shall be based on all buildings combined rather than each individual dwelling.

**27.10. Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 800 square feet of living space above grade.

**28.11. Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open space ~~either as public or common space~~ not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.

**29.12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

**30.13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

## 19.04.20. Neighborhood Commercial (NC).

### 1. Purpose and Intent.

- a. The Neighborhood Commercial Land Use Zone is intended to create, preserve, and enhance areas of retail establishments serving frequently recurring needs for goods and services in convenient locations to neighborhoods. This commercial zone is typically appropriate to small shopping clusters or integrated shopping centers in developments of one to three acres, but not greater than five, within, or convenient to, residential neighborhoods. Facilities should be oriented to serve residents' commercial service needs, to strengthen neighborhood interaction and neighborhood character, to minimize the need for automobile trips and to make commercial services more readily available to residents of adjacent neighborhoods.
- b. Improvements such as trails, seating and lighting that would help create gathering spaces and promote pedestrian activity are expected, where appropriate, and may be considered an essential part of developments in the Neighborhood Commercial zone. Developments in the Neighborhood Commercial ~~Land Use~~ Zone shall also be characterized by increased landscaping and Architectural compatibility with the surrounding neighborhood.

~~2.— Permitted Uses.~~ The ~~uses identified in 19.04.07.3 as following uses are~~ Permitted Uses in the Neighborhood Commercial (NC) ~~Land Use~~ Zone:

- ~~3.— Bakery~~
- ~~4.— Bookstore~~
- ~~5.— Deli~~
- ~~6.— Fitness Center 5,000 square feet or less~~
- ~~7.— Floral Sales~~
- ~~8.— Hair Salon~~
- ~~9.— Ice Cream Parlor~~
- ~~10.— Public Building or Facilities (City Owned)~~
- ~~11.— Restaurant, Sit Down~~
- ~~12.— Retail Sales~~
- ~~13.2.\_\_\_\_\_ Specialty Retail\_~~

### 3. Conditional Uses.

- ~~a.—The uses identified in 19.04.07.3 as following uses are~~ Conditional Uses in the Neighborhood Commercial ~~Land Use~~ Zone:
- ~~b.—Small Animal Hospital/Small Veterinary Office~~
- ~~c.—Arts and Crafts Sales~~
- ~~d.—Child Care Center~~
- ~~e.—Churches~~
- ~~f.—Copy Center~~
- ~~g.—Dry Cleaner~~
- ~~h.—Educational Center~~

- ~~i.—Fitness Center~~
- ~~j.—Funeral Home~~
- ~~k.—Home Occupations (See Chapter 19.08)~~
- ~~l.—Large Animal Hospital/Large Veterinary Office~~
- ~~m.—Medical and Health Care Offices~~
- ~~n.—Personal Service Establishment~~
- ~~o.—Plant and Tree Nursery~~
- ~~p.—Postal Center~~
- ~~q.—Preschool~~
- ~~r.—Professional Office~~
- ~~s.a. Reception Centers.~~

~~t.b.~~ Additional standards for Conditional Uses in the Neighborhood Commercial ~~Land Use~~ Zone:

- ~~i. Drive through windows shall in no case be allowed in the Neighborhood Commercial ~~Land Use~~ Zone.~~
- ~~ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.~~

4. **Minimum Lot Sizes.** The minimum lot size is 20,000 square feet.

5. **Setbacks and Yard Requirements.**

~~a.—Setbacks and yard requirements are intended to describe the amount of space required between structures and property lines.~~

~~b.a.~~ All structures in this zone are required to maintain ~~a~~ minimum ~~distance~~ ~~from property lines~~ ~~setbacks~~ as follows:

- ~~i. Front: twenty-five feet~~
- ~~ii. Sides: twenty-five feet~~
- ~~iii. Rear: twenty-five feet~~

6. **Minimum Lot Width.** All uses in this zone shall have at least 100 feet of lot width.

7. **Minimum Lot Frontage.** All uses in this zone shall have at least 100 feet of frontage along a public or private street.

8. **Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.

9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.

10. **Maximum Building Size.** Commercial structures in this zone shall have a maximum size of 15,000 square feet.

**11. Landscaping Requirement.**

- a. There shall be a minimum requirement of twenty-five percent of the total project area to be used for landscaping.
- b. All sensitive lands shall be protected as part of the landscaped area of any development.

**12. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

**13. Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands

**19.04.21. Mixed Use (MU).**

**1. Purpose and Intent.**

- a. The purpose of the Mixed Use Land Use Zone is to allow for the establishment of medium density residential neighborhoods mixed with commercial properties. Developments in the Mixed Use zone shall be designed so as to integrate the residential and commercial components into one harmonious development and to be compatible with the existing or anticipated uses on the surrounding properties.
- b. The goal of the MU zone is to accomplish a mix of approximately 1/3 residential, 1/3 commercial, and 1/3 professional office use in the Mixed Use Zone. The City will review proposals on an individual basis in determining an acceptable ratio for the residential and commercial components. Project designs that fail to sufficiently integrate commercial and residential uses will not be considered for approval. Creativity in both site design and architecture is expected.
- c. This land use zone, ~~in conjunction with the Land Use Element of the General Plan,~~ recognizes that in order for the City to be a well-rounded community, many different housing styles, types and sizes should be permitted. Residential densities in this zone shall not exceed fourteen ERUs per acre for the portion of the project devoted to the residential use.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as following uses are Permitted Uses in the Mixed Use Zone.:

- ~~a. Arts and Crafts Sales~~
- ~~b. Bakery~~
- ~~c. Bookstore~~
- ~~d. Copy Center~~
- ~~e. Deli~~
- ~~f. Dry Cleaners~~
- ~~g. Financial Institutions~~
- ~~h. Fitness Center 5,000 square feet or less~~
- ~~i. Floral Sales~~
- ~~j. Hair Salon~~
- ~~k. Ice Cream Parlor~~
- ~~l. Library~~
- ~~m. Mixed Use, Commercial, Office & Residential Use~~
- ~~n. Multi-Family Structures~~
- ~~o. Professional Office~~
- ~~p. Public Buildings or Facilities (City Owned)~~
- ~~q. Residential Above Commercial~~
- ~~r. Restaurant, Sit Down~~
- ~~s. Retail Sales~~
- ~~t. Single Family Dwellings~~
- ~~u. Specialty Retail~~
- ~~v. Temporary Sales Trailers~~
- ~~w. Transit Oriented Development (TOD)~~
- ~~x. Three Family Structures~~
- ~~y. Two Family Structures~~

3. **Conditional Uses.** The uses identified in 19.04.07.3 as following uses are Conditional Uses in the Mixed Use Zone.:

- ~~z. Small Animal Hospital/Small Veterinary Office~~
- ~~aa. Automobile Refueling Stations~~
- ~~bb. Bed and Breakfast~~
- ~~cc. Child Care Center~~
- ~~dd. Churches~~
- ~~ee. Commercial Recreation~~
- ~~ff. Convenience Store~~
- ~~gg. Educational Center~~
- ~~hh. Electronic Media Rental and Sales~~
- ~~ii. Electronic Sales and Repair~~
- ~~jj. Fitness Center~~
- ~~kk. Funeral Home~~
- ~~ll. Grocery Store~~
- ~~mm. Hardware and Home Improvement Retail~~
- ~~nn. Home Occupations (See Chapter 19.08)~~
- ~~oo. Large Animal Hospital/Large Veterinary Office~~

- ~~pp. Medical and Health Care Offices~~
- ~~qq. Personal Service Establishment~~
- ~~rr. Postal Center~~
- ~~ss. Preschool~~
- ~~tt. Reception Centers~~
- ~~uu. Residential facilities for elderly persons~~

#### 4. Minimum Lot Sizes.

- a. The minimum lot size for single family dwellings is 5,000 square feet. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot size shall be based on each building rather than each individual dwelling.
- b. Home Occupations may require a minimum size greater than 5,000 square feet and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
- c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
  - i. the maximum number individuals using the building at one time;
  - ii. the number of required off-street parking required in this Title;
  - iii. traffic and transportation concerns;
  - iv. compatibility with adjacent uses;
  - v. adverse impacts on adjacent uses; and
  - vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- d. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements

#### 5. Setbacks and Yard Requirements.

- ~~a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~
- ~~b.a.~~ All buildings in this zone are required to maintain a minimum distance from property lines setbacks as follows:
  - i. Front: twenty feet.
    - 1. The front setback may be reduced to twelve feet if the garage is setback from the front plane of the home, but in no case shall the garage be located closer than twenty feet to the front property line.
    - 2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback but only if the front setback is not reduced due to a garage that is set back from the front plane of the home.

- ii. Sides: single family residences: 5/10 feet (both combined – minimum); multi-family structures: ten feet
- iii. Rear: twenty feet

**e.b.** Corner Lots, there shall be a minimum setback on corner lots as follows:

- i. Front: twenty feet
- ii. Side: fifteen feet
- iii. The front and side setbacks can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.

**d.c.** All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:

- i. Sides: five feet
- ii. Rear: five feet

6. **Minimum Lot Width.** For single family homes, the minimum lot width shall be at least 50 feet. There is no minimum lot width requirement for other land uses or projects in this zone.
7. **Minimum Lot Frontage.** For single family homes, minimum lot frontage shall be no less than thirty-five feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.
8. **Maximum Height of Structures.** No structure in this zone shall exceed a maximum of four stories in height.
9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.
10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,000 square feet of living space above grade.
11. **Landscaping Requirement.** There shall be a minimum requirement of twenty-five percent of the total project area to be used for landscaping. All sensitive lands shall be protected as part of the landscaped area of any development.
12. **Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands. Sensitive lands shall be included in protected landscaping.
13. **Trash Storage.**

- a. All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

## 19.04.22. Regional Commercial (RC).

1. **Purpose.** The purpose of the Regional Commercial Land Use Zone is to allow, in appropriate areas, commercial businesses and shopping centers of a scale that will serve neighborhood, community-wide, and regional shopping needs. These regulations should preserve the existing quality and livability of the City while still assuring maximum efficiency of traffic circulation and convenience.
2. **Permitted Uses.** The ~~uses identified in 19.04.07.3 as following uses are~~ Permitted Uses in the Regional Commercial (RC) Zone.
  - ~~a. Small Animal Hospital/Small Veterinary Office~~
  - ~~b. Arts and Crafts Sales~~
  - ~~c. Bakery~~
  - ~~d. Big Box Retail~~
  - ~~e. Bookstore~~
  - ~~f. Commuter/Light Rail Station~~
  - ~~g. Convenience Store~~
  - ~~h. Copy Center~~
  - ~~i. Deli~~
  - ~~j. Dry Cleaners~~
  - ~~k. Electronic Media Rental and Sales~~
  - ~~l. Electronic Sales and Repair~~
  - ~~m. Financial Institution~~
  - ~~n. Fitness Center 5,000 square feet or less~~
  - ~~o. Floral Sales~~
  - ~~p. Grocery Store~~
  - ~~q. Hair Salon~~
  - ~~r. Hardware and Home Improvement Retail~~
  - ~~s. Hospital~~
  - ~~t. Ice Cream Parlor~~
  - ~~u. Large Animal Hospital/Large Veterinary Office~~
  - ~~v. Library~~
  - ~~w. Medical and Health Care Offices~~
  - ~~x. Postal Center~~
  - ~~y. Professional Office~~
  - ~~z. Public Building or Facilities (City Owned)~~
  - ~~aa. Reception Centers~~
  - ~~bb. Recreation Rentals~~
  - ~~cc. Restaurant, Casual~~
  - ~~dd. Restaurant, Sit Down~~
  - ~~ee. Retail Sales~~
  - ~~ff. Specialty Retail~~
3. **Conditional Uses.** The uses identified in the table in 19.04.07.3 as Conditional Uses in the Regional Commercial (RC) Land Use Zone allows, ~~but is not limited~~

~~to, the following Conditional Uses with some uses as identified in the table only permitted outside the Gateway Area:~~

- ~~a. Animal Kennel, Commercial~~
- ~~b. Automobile, Boat, All Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service~~
- ~~c. Automobile Refueling Station~~
- ~~d. Automobile Rental & Leasing Agency~~
- ~~e. Automobile repair (Minor)\*~~
- ~~f. Automobile sales\*~~
- ~~g. Building Material Sales (with outdoor storage)\*~~
- ~~h. Building Material Sales (without outdoor storage)~~
- ~~i. Car Wash (full service)~~
- ~~j. Car Wash (self serve)\*~~
- ~~k. Child Care Center~~
- ~~l. Commercial Recreation~~
- ~~m. Convenience Store/Fast Food Combination\*~~
- ~~n. Educational Center~~
- ~~o. Equipment Sales & Service~~
- ~~p. Fitness Center~~
- ~~q. Funeral Homes~~
- ~~r. Home Occupations~~
- ~~s. Hotels~~
- ~~t. Laundromat~~
- ~~u. Motels~~
- ~~v. Non Depository Institutions~~
- ~~w. Plant & Tree Nursery~~
- ~~x. Preschool~~
- ~~y. Public and Private Utility Building or Facility~~
- ~~z. Recreation Center~~
- ~~aa. Recreational vehicle sales\*~~
- ~~bb. Research and Development~~
- ~~cc. Theater~~

~~\*The noted Conditional Uses shall only be allowed in the Regional Commercial (RC) Land Use Zone at locations that are outside the Gateway Area. As an ancillary component of the above listed Permitted and Conditional Uses, employers in this zone may offer Child Care Center services for their employees. The provision of such services shall require Conditional Use approval.~~

4. **Minimum Lot Size.** Minimum lot size for all uses is 20,000 square feet.

5. **Setbacks and Yard Requirements.**

- ~~a. The yard requirements in this Subsection describe the amount of space required between buildings and property lines.~~
- ~~b.a. All buildings in this zone are required to maintain a minimum distance from property lines setbacks as follows:~~
  - i. **Front:** Not less than twenty feet.

- ii. **Sides:** Thirty feet where adjacent to a residential or agricultural zone, twenty feet when adjacent to all other zones. The City Council may reduce the side setback to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. ~~In the event that a property is located adjacent to another property that is currently zoned Agricultural but is designated as Regional Commercial on the Land Use Map of the Land Use Element of the General Plan, the setback shall be ten feet.~~
- iii. **Rear:** Twenty feet for all uses except where a rear yard is located adjacent to a residential or agricultural zone. In those cases, the rear yard shall be increased to thirty feet. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of forty feet. ~~The City Council may reduce the rear setback to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property.~~
- ~~287.~~ **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property.
- ~~288.~~iv. **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window.

- 6. **Structure Height.** No structure in this zone shall be taller than fifty feet.
- 7. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.
- 8. **Minimum Building Size.** Individual structures within this land use zone shall be a minimum of 1,000 square feet above grade.
- 9. **Development Standards.** The following development standards shall apply to the Regional Commercial ~~Land Use~~ Zone:
  - a. **Architectural Review.** The Planning Commission shall review the Site Plan and building elevations. The Planning Commission may offer recommendations for Architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan.
  - b. **Landscaping.**
    - i. Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than twenty feet (or

as reduced in Subsection 5.b. above) as approved through the Site Plan review process.

- ii. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses.
- iii. All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a Certificate of Occupancy for the building.
- iv. The Building Official may approve exceptions as seasonal conditions warrant.
- v. Any proposed change to the approved landscaping plan will require an amended Site Plan approval.
- vi. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

#### **10. Uses Within Buildings.**

- a. All uses in the Regional Commercial Land-Use Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside.
- b. Such uses include, automobile refueling stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.
- c. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the City Council deems such storage to be customarily and appropriately conducted outside.

**11. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

#### **12. Buffering/Screening Requirements.**

- a. A wall, fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an agricultural or residential use. Such a wall, fence, or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the City Council as part of a Site Plan review. Such wall, fence, or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the Chapter 19.18.
- b. All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping.

**13. Landscaping Requirements.** There shall be a minimum requirement of twenty percent of the total project area to be used for landscaping. All sensitive lands shall be protected as part of the landscaped area of any development.

14. **Sensitive Lands.** Sensitive lands shall not be included in the base acreage when calculating the number of ERUs permitted in any development and no development credit shall be given for sensitive lands. Sensitive lands shall be included in protected landscaping.

### 19.04.23. Office Warehouse (OW).

1. **Purpose.** The purpose of the Office Warehouse Land Use Zone is to allow for large lot warehouse and select office development in appropriate locations. Development under these regulations should provide for certain types of offices, commercial, and warehouse and shipping operations in an industrial setting characterized by large buffer strips, open space and landscaping requirements, and quality site development standards.
2. **Permitted Uses.** The ~~uses identified in 19.04.07.3 as following uses are~~ Permitted Uses in the Office Warehouse Zone:
  - ~~a. Small Animal Hospital/Small Veterinary Office~~
  - ~~b. Commuter/Light Rail Station~~
  - ~~c. Fitness Center 5,000 square feet or less~~
  - ~~d. Large Animal Hospital/Large Veterinary Office~~
  - ~~e. Professional Office~~
  - ~~f. Public Building or Facilities (City Owned)~~
  - ~~g. Restaurant, Sit Down~~
  - ~~h. Retail Sales~~
  - ~~i. Specialty Retail~~
  - ~~j. Trade or Vocational School~~
3. **Conditional Uses.** The ~~uses identified in 19.04.07.3 as Conditional Uses in the Office Warehouse Land Use Zone allows the following Conditional Uses:~~
  - ~~i. Animal Kennel, Commercial~~
  - ~~ii. Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service~~
  - ~~iii. Automobile Refueling Station~~
  - ~~iv. Automobile Rental & Leasing Agency~~
  - ~~v. Automobile repair (Major)~~
  - ~~vi. Automobile repair (Minor)~~
  - ~~vii. Bakery, Commercial~~
  - ~~viii. Building Material Sales (with outdoor storage)~~
  - ~~ix. Building Material Sales (without outdoor storage)~~
  - ~~x. Car Wash (self-serve)~~
  - ~~xi. Commercial and industrial laundries~~
  - ~~xii. Commercial Recreation~~
  - ~~xiii. Contract construction services establishments~~
  - ~~xiv. Convenience Store~~
  - ~~xv. Copy Center~~
  - ~~xvi. Cremator/Embalming Facility~~
  - ~~xvii. Educational Center~~
  - ~~xviii. Fitness Center~~
  - ~~xix. Home Occupations~~
  - ~~xx. Hotels~~
  - ~~xxi. Laundromat~~

- ~~xxii. Light Manufacturing~~
- ~~xxiii. Motels~~
- ~~xxiv. Pawn Shop~~
- ~~xxv. Personal Service Establishment~~
- ~~xxvi. Plant and Tree Nursery~~
- ~~xxvii. Postal Center~~
- ~~xxviii. Printing, lithography, and publishing establishments~~
- ~~xxix. Public and Private Utility Building or Facility~~
- ~~xxx. Research and Development~~
- ~~xxxi. Restaurant, Casual~~
- ~~xxxii. Retail Tobacco Specialty Store~~
- ~~xxxiii. Self-storage or mini-storage units~~

**4. Child Care Center Services.**

- a. As an ancillary component of the above listed Permitted and Conditional Uses, employers in this zone may offer Child Care Center services for their employees.
- b. The provision of such services shall require Conditional Use approval.

**5. Minimum Development Size and Lot Size.**

- a. The minimum size requirement for developments in this zone is 40,000 square feet.
- b. Lots within a 40,000 square foot development may be created based upon an approved Master Development Agreement as described herein; however, in no case shall any parcel in this zone be smaller than 20,000 square feet.
- c. All developments in this zone are required to submit a Master Development Plan as part of a Master Development Agreement that includes maps and descriptions of how the entire property is anticipated to be developed (see Chapters 19.13 and 19.14 for details regarding how to process developments under these regulations).
- d. All uses, lots or parcels in this zone shall be of sufficient size to assure compliance with the City's parking, landscaping, utilities, Site Plan, and other land development regulations that may govern all or a portion of each project.

**6. Setbacks and Yard Requirements.**

- ~~a. The yard requirements in this Subsection are intended to describe the amount of space required between buildings and property lines.~~
- ~~b.a.~~ All buildings in this zone are required to maintain ~~a~~ minimum ~~distance from property lines~~ setbacks as follows:
  - i. **Front:** Not less than fifty feet.
  - ii. **Sides:** Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process.
  - iii. **Rear:** Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts

a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of fifty feet. ~~The City Council may reduce this if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.~~

iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.

iv.v. **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window.

7. **Maximum Height of Structures.** No building in this zone shall be taller than thirty-five feet.
8. **Lot Coverage.** Buildings shall not cover more than fifty percent of the total lot area.
9. **Minimum Lot Width.** The minimum lot width in this zone is seventy feet.
10. **Development Standards.** The following development standards shall apply to this zone:
  - a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations. The Urban Design Committee shall offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
  - b. **Landscaping Buffers.** Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than fifteen feet as approved through the Site Plan review process. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. See Chapter 19.09, Off-street Parking Requirements.
  - c. **Landscaping Required.** All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a

Certificate of Occupancy for the building. The Building Official may approve exceptions as seasonal conditions warrant. Any proposed change to the approved landscaping plan will require an amended Site Plan approval. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

**11. Uses Within Buildings.**

- a. All uses in the OW zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside. Such uses include: automobile refueling stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.
- b. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the City Council deems such storage to be customarily and appropriately conducted outside.
- c. Due to the inherent dangers of some Office Warehouse uses and environments, the City Council reserves the right to preclude or restrict the ancillary provision of Child Care services within a building.

**12. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

**13. Buffering/Screening Requirements.**

- a. A wall, fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an agricultural or residential use. Such a wall, fence, or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the City Council as part of a Site Plan review. Such wall, fence, or landscaping shall be maintained in good condition with no advertising thereon.
- b. All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping.

**14. Open Space Requirements.** There shall be a minimum requirement of twenty percent of the total project area to be used for landscaping. All sensitive lands shall be protected as part of the landscaped area of any development.

#### 19.04.24. Industrial (I).

1. **Purpose.** The purpose of the Industrial Land Use Zone is to allow for large lot industrial and manufacturing development in appropriate locations. Development under these regulations should provide for certain types of offices, commercial and industrial operations in a business park setting characterized by large buffer strips, open space and landscaping requirements, and quality site development standards.

~~2. **Permitted Uses.** The uses identified in 19.04.07.3 as following uses are Permitted Uses in the Industrial Zone:~~

~~3. **Animal Kennel, Commercial**~~

~~4. **Automobile, Boat, All Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service**~~

~~5. **Automobile Rental & Leasing Agency**~~

~~6. **Building Material Sales (with outdoor storage)**~~

~~7. **Commercial and Industrial Laundries**~~

~~8. **Commuter/Light Rail Station**~~

~~9. **Contract Construction Service Establishments**~~

~~10. **Equipment Sales & Services**~~

~~11. **Plant and Tree Nursery**~~

~~12. **Public Building or Facilities (City Owned)**~~

~~13. **Sexually Oriented Businesses**~~

~~14.2. **Trade or Vocational School.**~~

~~15.3. **Conditional Uses.** The Industrial Land Use Zone allows; but is not limited to, the following Conditional Uses: uses identified in 19.04.07.3.~~

~~iii. **Alcoholic Beverage, Package Agency**~~

~~iv. **Alcoholic Beverage, State Liquor Store**~~

~~v. **Automobile Refueling Station**~~

~~vi. **Automobile Repair (Major or Minor)**~~

~~vii. **Automobile Sales**~~

~~viii. **Bakery, Commercial**~~

~~ix. **Building Material Sales (without outdoor storage)**~~

~~x. **Bus Lot**~~

~~xi. **Car Wash (self-serve)**~~

~~xii. **Commercial Recreation**~~

~~xiii. **Crematory/Embalming Facility**~~

~~xiv. **Home Occupations**~~

~~xv. **Hotels**~~

~~xvi. **Impound Yard**~~

~~xvii. **Laundromat**~~

~~xviii. **Light Manufacturing**~~

~~xix. **Mining**~~

~~xx. **Motels**~~

~~xxi. **Pawn Shop**~~

- ~~xxii. Printing, lithography, and publishing establishments~~
- ~~xxiii. Professional Offices~~
- ~~xxiv. Public & private utility building or facility~~
- ~~xxv. Recreation Center~~
- ~~xxvi. Recycling Facilities~~
- ~~xxvii. Research and development uses, including medical or electronic assembly and manufacturing~~
- ~~xxviii. Retail Tobacco Specialty Store~~
- ~~xxix. Self storage or mini storage units~~
- ~~xxx. Tattoo Parlor~~

**16.4. Child Care Center Services.**

- a. As an ancillary component of the above listed Permitted and Conditional Uses, employers in this zone may offer Child Care Center services for their employees. The provision of such services shall require Conditional Use approval.
- b. Due to the inherent dangers of some Industrial uses and environments, the City Council reserves the right to preclude or restrict the ancillary provision of Child Care services within a building.

**17.5. Minimum Development Size and Lot Size.**

- a. The minimum size requirement for developments in this zone is ten acres. Lots within a ten acre development may be created based upon an approved Master Development Agreement as described herein; however, in no case shall any parcel in this zone be smaller than 20,000 square feet.
- b. All developments in this zone are required to submit a Master Development Plan as part of the Master Development Agreement that includes maps and descriptions of how the entire ten acres is anticipated to be developed. See Chapters 19.13 and 19.14 for details regarding how to process developments under these regulations.
- c. All uses, lots or parcels in this zone shall be of sufficient size to assure compliance with the City's parking, landscaping, utilities, Site Plan, and other land development regulations that may govern all or a portion of each project.

**18.6. Setbacks and Yard Requirements**

- a. The yard requirements in this Subsection are intended to describe the amount of space required between buildings and property lines.
- b. All buildings in this zone are required to maintain ~~a minimum distance from property lines~~**setbacks** as follows:
  - i. **Front:** Not less than fifty feet.
  - ii. **Sides:** Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process.

- iii. **Rear:** Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of fifty feet. ~~The City Council may reduce this if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.~~
- iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.
- iv.v. **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window.

- 7. **Maximum Height of Structures.** No structure in this zone shall be taller than fifty feet.
- 8. **Lot Coverage.** Buildings shall not cover more than fifty percent of the total lot area.
- 9. **Development Standards.** The following development standards shall apply to this zone:
  - a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations. The Urban Design Committee shall offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
  - b. **Landscaping Buffers.** Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than fifteen feet as approved through the Site Plan review process. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. See Chapter 19.09, Off-street Parking Requirements.

- c. **Landscaping Required.** All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a Certificate of Occupancy for the building. The Building Official may approve exceptions as seasonal conditions warrant. Any proposed change to the approved landscaping plan will require an amended Site Plan approval. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

**10. Uses Within Buildings.**

- a. All uses in the Industrial Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside. Such uses include, automobile refueling stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.
- b. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the City Council deems such storage to be customarily and appropriately conducted outside.

- 11. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

**12. Buffering/Screening Requirements.**

- a. A wall, fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an agricultural or residential use. Such a wall, fence, or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the City Council as part of a Site Plan review. Such wall, fence, or landscaping shall be maintained in good condition with no advertising thereon.
- b. All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping.

**13. Landscaping Requirements**

- a. A minimum of twenty percent of the gross area of land to be developed in the Industrial zone shall be devoted to use as parks, recreation areas, open space, planting or other public purposes other than rights-of-way, utility easements, and parking areas.
- b. Public and private trails and any natural or man-made floodways, lakes, or storm water retention areas may be used to satisfy the requirement in Subsection a.

## 19.04.25. Mixed Lakeshore (ML).

### 1. Purpose and Intent.

- a. The purpose of the Mixed Lakeshore (ML) Land Use Zone is to allow for a wide range of land uses so long as those land uses are combined and arranged to create destination-oriented developments that take full advantage of the scenic and recreational opportunities that their lakeshore locations provide. Appropriate mixtures of land uses include retail, residential, and resort properties.
- b. Low Density Residential, Medium Density Residential, and Neighborhood Commercial land uses, as ~~defined-listed in the General Plan~~ the tables in Section 19.04.07, are considered appropriate uses for this zone. The goal is to accomplish a mix of 80% residential uses and 20% commercial uses in this zone. The City will review each proposal on an individual basis to determine an acceptable ratio for the residential and commercial components.
- c. This land use zone ~~, in conjunction with the City's General Plan,~~ recognizes that in order for the City to be a well-rounded community, many different housing styles, types, and sizes should be permitted. Residential densities in this zone shall not exceed 6 ERUs per acre.
- d. Other important characteristics that must be addressed in this land use zone include neighborhood services and facilities, social gathering places, attractive landscaping, convenient access to public areas along the lakeshore, appropriately-placed parking, a sense of personal safety, well-maintained housing, and attractive parks.
- e. Certain land uses have been identified as either ancillary uses or edge uses only.

### 2. Permitted Uses. The uses identified in 19.04.07.3 as Permitted Uses in the Mixed Lakeshore Zone.

- ~~a. Arts and Crafts Sales~~
- ~~b. Bakery~~
- ~~c. Bookstore~~
- ~~d. Commercial Recreation~~
- ~~e. Deli~~
- ~~f. Fitness Center 5,000 square feet or less~~
- ~~g. Floral Sales~~
- ~~h. Grocery Store~~
- ~~i. Hair Salon~~
- ~~j. Ice Cream Parlor~~
- ~~k. Marina~~
- ~~l. Mixed Use, Commercial, Office & Residential Use~~
- m. Multi-family Structures
- n. Professional Office
- ~~o. Public Building or Facilities (City Owned)~~
- p. Reception Centers

- ~~q.—Recreation Rentals~~
- ~~r.—Residential above Commercial~~
- ~~s.—Restaurant, Sit Down~~
- ~~t.—Retail Sales~~
- ~~u.—Single Family Dwellings~~
- ~~v.—Specialty Retail~~
- ~~w.—Three Family Structures~~
- ~~x.—Transit Oriented Development (TOD)~~
- ~~y.—Two Family Structures~~

**3.—Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Mixed Lakeshore (ML) Zone, with some uses identified in that section limited to edge or ancillary use only.

- ~~a.—Bed and Breakfast~~
- ~~b.—Child Care Center ancillary use only~~
- ~~e.—Churches~~
- ~~d.—Home Occupations~~
- ~~e.—Hotels~~
- ~~f.—Motels~~
- ~~g.—Personal Service Establishment~~
- ~~h.—Preschool ancillary use only~~
- ~~i.—Public and Private Utility Building or Facility~~
- ~~j.—Recreation Center~~
- ~~k.—Residential facilities for elderly persons~~
- ~~l. 3. ~~Restaurant, Casual edge use only~~~~
- ~~z.—Theater~~

**4. Minimum Development Size and Lot Sizes.**

- a. The minimum size requirement for development in this zone is 40,000 square feet.
- b. Lots within a 40,000 square foot development may be created based upon an approved Master Development Plan contained in a Master Development Agreement.
- c. All developments in this zone are required to develop a Master Development Plan that includes maps and descriptions of how the entire property is anticipated to develop (see Chapters 19.12, 19.13, and 19.14) and to enter into a Master Development Agreement.
- d. The minimum lot size for single family dwellings is 5,000 square feet. For multi-family structures where each unit is separately owned, the minimum lot size shall be based on each building rather than each individual unit. Home Occupations may require a minimum lot size greater than 5,000 square feet based on the requirements of Chapter 19.08. Each Home Occupation will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
- e. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than

one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:

1. the maximum number individuals using the building at one time;
  2. the number of required off-street parking required in this Title;
  3. traffic and transportation concerns;
  4. compatibility with adjacent uses;
  5. adverse impacts on adjacent uses; and
  6. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc).
- f. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

#### 5. **Setbacks and Yard Requirements.**

- a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
- b. All buildings in this zone, including accessory buildings, are required to maintain a minimum ~~distance from property lines~~ setbacks as follows:
  - i. Front: Twenty-five feet.
    1. For single family structures or multi-family structures, the front plane of the home may encroach by up to ten feet into the required setback, if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback for the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
    2. An unenclosed front entry or porch may encroach up to five feet into the twenty-five-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
  - ii. Sides:
    1. single family structures: 5/10 feet (minimum/combined);
    2. multi-family and non-residential structures: 5 feet to property line or 10 feet between structures, whichever is greater.
  - iii. Rear: 15 feet
- c. Corner Lots:
  - i. There shall be a minimum setback on corner lots as follows:
    1. Front: 20 feet
    2. Side abutting street: 15 feet

- ii. The front setback and the side setback abutting the street can be reversed, but in no case shall the two setbacks be less than 20 and 15 feet.
  - d. All accessory structures in this zone are required to maintain at least five feet of distance from all sides of the accessory- structure to ~~property lines~~ **and** any other structure.
  - e. There shall be a five foot minimum separation between accessory buildings and dwelling units in this zone.
6. **Minimum Lot Width.** For single family homes, the minimum lot width shall be no less than 50 feet. For multi-family structures where each unit is separately owned, the minimum lot width shall be based on each building rather than each individual unit.
7. **Minimum Lot Frontage.** For single family homes, the minimum lot frontage shall be no less than 35 feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual unit.
8. **Maximum Height of Structures.** No structure in this zone shall exceed 40 feet in height.
9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%. For multi-family units where each dwelling is separately owned, the maximum lot coverage shall be based on each building rather than each individual unit.
10. **Minimum Dwelling Size.** Every dwelling unit in this zone shall contain a minimum of 1,000 square feet of living space above grade.
11. **Development Standards.** The following development standards shall apply to this zone:
- a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
  - b. **Landscaping Buffers.** For multi-family and non-residential structures, Front yards and other yard areas facing a public street shall have a landscaped area of not less 15 linear feet. There shall be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)

- 12. Open Space and Landscaping Requirement.** There shall be a minimum requirement of 25% of the total project area to be installed as open space for either public or common space not reserved in individual lots. Such open space shall meet the definition in Section 19.02.02. If the open space is common space, the developer shall record a public access easement at plat recordation. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (13) below.
- 13. Sensitive Lands.**
- a. Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development and no development credit shall be given for sensitive lands.
  - b. All sensitive lands shall be placed in protected open space.
  - c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.
- 14. Timing of Landscaping Installation.** All landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05. . It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.
- 15. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

**19.04.26. Business Park (BP).**

**1. Purpose and Intent.**

- a. The purpose of the Business Park (BP) Land Use Zone is to allow for certain land uses that require large tracts of land in appropriate locations.
- b. Development under these regulations should provide for office space, light manufacturing (subject to location restrictions as determined during Site Plan review), and commercial operations in a business park campus-type setting characterized by large buffer strips, open spaces, landscaping, and quality site development standards. Ancillary uses and edge uses may not exceed 20% of the land uses within a Master Development Plan contained in a Master Development Agreement.
- c. Certain land uses have been identified as either ancillary uses or edge uses only.

**2. Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Business Park Zone.

- ~~a. Automobile Rental & Leasing Agency~~
- ~~b. Automobile Repair, Minor~~
- ~~c. Fitness Center~~
- ~~d. Hardware & Home Improvement Retail~~
- ~~e. Medical and Health Care Offices~~
- ~~f. Printing, lithography & publishing establishments~~
- ~~g. Professional Office~~
- ~~h. Public Building or Facilities (City Owned)~~
- ~~i. Research and Development~~
- ~~j. Restaurant, Sit Down~~
- ~~k. Trade or Vocational School~~

~~3.—**Conditional Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Business Park Zone, with some uses identified in that section limited to edge or ancillary use only.Automobile Repair, Major~~

~~4. Automobile Sales~~

~~5. Bakery~~

~~6. Building Material Sales (with outdoor storage)~~

~~7. Building Material Sales (without outdoor storage)~~

~~8. Car Wash (full service)~~

~~9. Car Wash (self-service)~~

~~10. Child Care Center~~

~~11. Commuter/Light Rail Station~~

~~12. Convenience Store-edge use only~~

~~13. Convenience Store/Fast Food Combination-edge use only~~

~~14. Copy Center ancillary use only~~

~~15. Deli~~

~~16. Equipment Sales and Service ancillary use only~~

~~17. Fitness Center (5,000 sq. ft. or less) ancillary use only~~

~~18. Funeral Home~~

~~19. Home Occupations~~

~~20. Hospital~~

~~21. Hotels~~

~~22. Ice Cream Parlor ancillary use only~~

~~23. Light Manufacturing~~

~~24. Motels~~

~~25. Personal Service Establishment ancillary use only~~

~~26. Preschool ancillary use or edge use only~~

~~27. Reception Centers~~

~~28. Restaurant, Casual-edge use only~~

~~29. Retail Sales~~

~~30.3. Transit Oriented Development (TOD)~~

~~31.4. **Minimum Development Size and Lot Size.**~~

- ~~a. The minimum size requirement for single-building development in this zone is 1 acre; the minimum size requirement for business park or multiple building development in this zone is 5 acres.~~

- b. Lots within a 5 acre or larger development may be created based upon an approved Master Development Plan contained in a Master Development Agreement. However, in no case shall any lot in this zone be smaller than 30,000 square feet.
- c. All developments in this zone are required to develop a Master Development Plan that includes maps and descriptions of how the entire 5 acres is anticipated to be developed (see Chapters 19.12, 19.13, and 19.14 ) and to enter into a Master Development Agreement.
- d. All uses, lots, or parcels in this zone shall be of sufficient size to assure compliance with the City's development standards.

**32.5. Setbacks and Yard Requirements.**

~~a. The requirements in this Subsection describe the amount of space required between buildings and property lines.~~

~~b.a.~~ All buildings in this zone, including accessory buildings, are required to maintain a minimum ~~distance from property lines~~setbacks as follows:

- i. **Front:** 50 feet. ~~The City Council may reduce the front setback to 30 feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.~~
- ii. **Sides:** 30 feet where adjacent to a residential zone. The City Council may reduce the side yard setbacks to 10 feet where the side property line abuts a commercial, industrial, or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the side of the building faces an arterial or collector street, there shall be a setback of 30 feet.
- iii. **Rear:** 30 feet where adjacent to a residential zone. The City Council may reduce the rear setback to 10 feet where the rear property line abuts a commercial, industrial, or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of the building faces an arterial or collector street, there shall be a setback of 30. ~~The City Council may reduce this if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.~~
- iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.

~~iv.v.~~ **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet to any private road, driveway, or parking space to provide for building foundation landscaping and to provide protection to the building.

~~33.6.~~ **Minimum Lot Width.** The minimum lot width in this zone is 80 feet.

~~34.7.~~ **Minimum Lot Frontage.** All uses in this zone shall have at least 80 feet of frontage along a public or private street.

~~35.8.~~ **Maximum Height of Structures.** No structure in this zone shall exceed 50 feet in height.

~~36.9.~~ **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%.

~~37.10.~~ **Development Standards.**

- a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and the City's policies and regulations concerning architecture and design.
- b. **Landscaping Buffers.** Front yards and other yard areas abutting a public street, shall have a landscaped area of not less 15 linear feet. There shall be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)

~~38.11.~~ **Uses Within Buildings.**

- a. All uses in the BP zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside.
- b. Outside storage of merchandise shall be accommodated within an enclosed structure unless the City Council deem such storage to be customarily and appropriately conducted outside.

~~39.12.~~ **Buffering/Screening Requirements.**

- a. A solid wall, solid fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an agricultural or residential use. Such a solid wall, solid fence, or landscaping shall be at least six feet in height, unless otherwise allowed by the City Council during Site Plan review. Such solid wall, solid fence, or landscaping shall be maintained in good condition with no advertising thereon.

- b. All developments shall have a minimum number of both deciduous and evergreen trees and shall comply with the requirements of Chapter 19.06, Landscaping.

**40.13. Landscaping Requirements.**

- a. There shall be a minimum of 20% of the total project area to be used for landscaping.
- b. All sensitive lands shall be protected. Subject to subsection (14) below and the discretion of the City Council, credit towards meeting minimum landscaping requirements may be given for sensitive lands defined in Chapter 19.02. However, no more than 50% of the required landscaping shall be comprised of sensitive lands or detention areas.

**41.14. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum landscaping requirements. However, no more than fifty percent of the required landscaping area shall be comprised of sensitive lands.

**42.15. Timing of Landscaping Installation.** All landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

**43.16. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

## 19.04.27. Institutional/Civic (IC).

### 1. Purpose and Intent.

- a. The purpose of the Institutional/Civic (IC) Land Use Zone is to allow for public or quasi-public land uses.
- b. Development under these regulations should provide for university or college campuses as well as traditional schools, libraries, hospitals, public buildings or facilities, and other land uses that provide essential services to the general public.

### 2. Permitted Uses. The uses identified in 19.04.07.3 as Permitted Uses in the Institutional/Civic Zone.

- ~~1. Education Center~~
- ~~2. Hospital~~
- ~~3. Library~~
- ~~4. Medical and Health Care Offices~~
- ~~5. Postal Center~~
- ~~6. Public Building or Facilities (City Owned)~~
- ~~7. Research and Development~~
- ~~8. Trade or Vocational School~~

### 3. Conditional Uses. The uses identified in 19.04.07.3 as Permitted Uses in the Institutional/Civic Zone.

- ~~1. Churches~~
- ~~2. Commuter/Light Rail Station~~
- ~~3. Public & Private Utility Building or Facility~~

### 4. Minimum Lot Sizes. Minimum lot size for all uses is 20,000 square feet.

### 5. Setbacks and Yard Requirements.

- ~~a. The requirements in this Subsection describe the amount of space required between buildings and property lines.~~
- ~~b. a. All buildings in this zone, including accessory buildings, are required to maintain a minimum distance from property lines setbacks as follows:~~
  - ~~i. **Front:** 30 feet. The City Council may reduce the front setback to 20 feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.~~
  - ~~ii. **Sides:** 30 feet when adjacent to a residential zone; 20 feet when adjacent to all other zones. The City Council may reduce the side yard setbacks to 10 feet where the side property line abuts a commercial, industrial, or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that~~

the side of the building faces an arterial or collector street, there shall be a side setback of 30 feet.

- iii. **Rear:** 30 feet when adjacent to a residential zone; 20 feet when adjacent to all other zones. ~~The City Council may reduce the rear yard setback to 10 feet where the rear property line abuts a commercial, industrial, or agricultural zone. Such setbacks will be determined during the Site Plan review process.~~ In the event that the rear of the building faces an arterial or collector street, there shall be a rear setback of 30 feet. ~~The City Council may reduce this if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.~~
- iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.
- ~~iv.v.~~ **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space to provide for building foundation landscaping and to provide protection to the building.

6. **Minimum Lot Width.** The minimum lot width in this zone is 80 feet.
7. **Minimum Lot Frontage.** All uses in this zone shall have at least 80 feet of frontage along a public or private street.
8. **Maximum Height of Structures.** No structure in this zone shall exceed 50 feet in height.
9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%.
10. **Development Standards.**
  - a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
  - b. **Landscaping Buffers.** Front yards and other yard areas abutting a public street, shall have a landscaped area of not less 15 linear feet. There shall

be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)

**11. Landscaping Requirements.**

- a. There shall be a minimum of 20% of the total project area to be used for landscaping.
- b. Subject to subsection (12) below and the discretion of the City Council, credit towards meeting minimum landscaping requirements may be given for sensitive lands defined in Chapter 19.02. However, no more than 50% of the required landscaping shall be comprised of sensitive lands or detention areas.

**12. Sensitive Lands.**

- a. Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development and no development credit shall be given for sensitive lands.
- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum landscaping requirements. However, no more than fifty percent of the required landscaping shall be comprised of sensitive lands.

**13. Timing of Landscaping Installation.** All landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

**14. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

## 19.04.28. Public School Bus Lot (PSBL).

### 1. In General.

- a. The purpose of the Public School Bus Lot (PSBL) Land Use Zone is to allow for a specific land area used for the storage or layover of public school buses or motor coaches.
- b. Development under these regulations may only provide for a bus lot, administrative office space, maintenance facilities, fueling stations, or other accessory uses associated with a public school district in a specific setting. Such development is characterized by large buffer strips, open spaces, landscaping, and quality site development standards.

### 2. Permitted Uses. The uses identified in 19.04.07.3 as Permitted Uses in the Public School Bus Lot Zone.

- ~~a. Bus Lot~~
- ~~b. Fueling Station~~
- ~~c. Fueling Station, Cardlock Facility~~

### 3. Conditional Uses. The uses identified in 19.04.07.3 as Conditional Uses in the Public School Bus Lot Zone.

- ~~d. Public and Private Utility Building or Facility~~

### 4. Minimum Lot Sizes. The minimum lot size requirement for development in this zone is 10 acres.

### 5. Setbacks/Yard Requirements. ~~Setbacks and yard requirements describe the amount of space required between buildings and property lines.~~ All buildings in this zone, including accessory buildings, are required to maintain a minimum ~~distance from property lines setbacks~~ as follows:

- a. Front: 50 feet. The City Council may reduce the front setback to 30 feet if in its judgment the reduction provides a more attractive and efficient use of property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.
- b. Sides: 50 feet when adjacent to a residential zone. The City Council may reduce the side yard setbacks to 30 feet where the side property line abuts a commercial, industrial, school or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the side of the building faces an arterial or collector street, there may be a setback of 30 feet.
- c. Rear: 50 feet when adjacent to a residential zone. The City Council may reduce the rear setback to 30 feet where the rear property line abuts a commercial, industrial, school or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of the building faces an arterial or collector street, there may be a setback of 30.

- d. Other general requirements: In addition to the specific setback requirements noted above, no building shall be closer than 5 feet to any private road, driveway or parking space. The intent of this requirement is to provide for landscaping and protection to the building.
6. **Maximum Height of Structures.** No structure in this zone shall be taller than 35 feet.
7. **Maximum Lot Coverage.** The maximum building and parking lot coverage in this zone is 80%.
8. **Development Standards.**
  - a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
  - b. **Landscaping Buffers.** Front yards and other yard areas abutting a public street, shall have a landscaped area of not less 15 linear feet. There shall be a minimum of 20 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. *See Chapter 19.09, Off-street Parking Requirements.*
9. **Uses Within Buildings.** All uses in the Public School Bus Lot Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside. Such outdoor uses include bus and vehicle storage (with a required structure to cover passenger buses or motor coaches), fueling stations, and other associated accessory uses.
10. **Buffering/Screening Requirements.** A solid wall and landscaping shall be required to effectively screen the borders of any public school bus lot which is located within 300 feet of an agricultural or residential use. A solid wall that is 8 feet in height is required. Such 8' solid wall, and landscaping shall be maintained in good condition with no advertising thereon. Wall covers may be required at specific locations which allow for site lines into a site. This will be determined during the Site Plan review process. Appropriate berming shall also be incorporated into the site design to screen and buffer any public school bus lot. This will include sculptured berms placed in required landscaping areas. All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping and Fencing.
11. **Landscaping Requirements.**
  - a. There shall be a minimum of 20% of the total project area to be used for landscaping.
  - b. All sensitive lands shall be protected as part of the landscaped area of any development.

- c. Subject to the discretion of the City Council, credit towards meeting minimum open space requirements may be given for sensitive lands defined in Chapter 19.02. However, no more than 50% of the required landscaping area shall be comprised of sensitive lands or detention areas.

**12. Timing of Landscaping Installation.**

- a. All landscaping shall be completed in accordance with the approved Site Plan or Plat approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building.
- b. A Performance and Warranty Bond will be required in accordance with Section 19.12.05.
- c. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05.
- d. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

- 13. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

## 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\*
  - e. Pumpkin Patch
  - f. Festivals including Bazaars or Fairs
  - g. Temporary Retail (tent or sidewalk sale)\*
  - h. Mobile Food Vendors\*

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

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.
  - ~~a.b.~~ A minimum of two parking spaces shall be available, in addition to other necessary space for any off-street parking and traffic circulation generated by the Temporary Use, without obstructing required parking for any host business. All Temporary uses except for roadside stands require curb, gutter, and a paved surface on site. Temporary road base shall qualify as a paved surface, 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.
  - ~~b.d.~~ All temporary uses shall provide a receptacle for garbage, and shall be responsible for garbage removal.
  - ~~e.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.
  - ~~d.f.~~ All signs must comply with City adopted sign regulations.

- ~~e.g.~~ A use and/or display may not be placed within the right-of-way or on any landscaped area.
- ~~f.h.~~ No temporary use may occur within the clear view triangle of any intersection.
- ~~g.i.~~ No more than one temporary use is allowed per lot or parcel at any one time, including those approved by the Planning Commission.
- ~~h.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.
- ~~i.k.~~ Accessibility requirements must be addressed with the Building Department prior to any sales occurring.
- ~~j.l.~~ Where required, Health Department approval shall be provided prior to operation.
- ~~k.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.
- ~~n.~~ Hours of operation shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.

### **3. 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, and when a written approval is granted by all other brick and mortar businesses within 300<sup>2</sup>.
- ~~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.

~~3.4.~~ **Planning Commission Review.** When considered appropriate by the Planning Director, a Temporary Use may be referred to the Planning Commission for review.

~~4.5.~~ **Permit Required.** A Temporary Use Permit and Business License shall be required for all Temporary Uses.

~~5.6.~~ **Application for a Temporary Use Permit.** An application for a Temporary Use

Permit shall be made to the Planning Department, in conjunction with a business license, at least 14 days prior to the date of requested use. No Temporary Use Permit shall be issued more than 90 days prior to the start of the Temporary Use period. The Planning Department may issue or deny the application for a Temporary Use Permit based on the criteria herein.

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

- a. Description. A written description of the proposed use including requested length of permit, location(s), structure or vehicle type, date(s) and hour(s) of operation, and any other information verifying compliance with the standards of this Code.
- b. Authorization for Use. If the applicant is not the owner of the property, the ownership shall be identified along with written evidence of permission of the owner for such use to take place, dated no more than three months prior to the application.
- c. If applicable, written approval from ~~required adjacent~~ brick-and-mortar businesses.
- d. Site Review. A vicinity map and site plan with sufficient information to determine the primary use of the property and the required site requirements, sanitary facilities, and availability of parking to serve the uses.
- e. Applicable fees.

**7.8. Duration of Temporary Use Permit.**

- a. Produce stand, farmers market, snow shack, or ice cream vendor is allowed for a period not to exceed five months in a calendar year.
- b. A Christmas tree lot is allowed for a period not to exceed forty-five days each calendar year.
- c. A fireworks stand, pumpkin patch, festivals including bazaars or fairs, and temporary retail are allowed for forty-five days.
- d. A Mobile Food Vendor is allowed for a maximum of four days per month over a period of time not exceeding twelve months in a single permit. Locations and dates for the duration of the permit shall be provided at time of permit application.

**8.9. Renewal of Temporary Use Permit.** The application fee shall be reduced by 50% for all previously approved Temporary Use Permits requesting renewal that have not altered their proposal in terms of scope, layout, intensity, duration, or location(s) from the previously approved permit.

**10. Bond Required.** All temporary uses on ~~private property~~ shall post a \$500 cash bond to ensure the clean-up of the property after the use is removed; ~~all temporary uses on public property shall post a \$1000 cash bond for this purpose.~~

- a. Mobile food vendors may choose to post a bond on an annual basis rather than a per-permit basis to cover all days of operation within a specified

time period.

a.b. After the temporary use commences, the applicant may request an inspection by the City. Following this inspection, the bond shall be reduced by up to 50% upon finding that the use is in general compliance with the standards of this Code.

**9.11. Revocation of Temporary Use Permit.** A Temporary Use Permit may be revoked by the Planning Director in accordance with the provisions of this section if the recipient of the permit fails to develop or maintain the property in accordance with the plans submitted, the requirements of this section, or any additional requirements lawfully imposed in connection with the issuance of the Temporary Use permit.

## **Chapter 19.09. Off-Street Parking Requirements.**

### **Sections:**

- 19.09.01. Purpose.**
- 19.09.02. Required Parking.**
- 19.09.03. General Provisions.**
- 19.09.04. Submittal and Approval of Parking Areas.**
- 19.09.05. Parking Requirements.**
- 19.09.06. Dimensions for Parking Stalls.**
- 19.09.07. Accessible Parking.**
- 19.09.08. Landscaping in Parking Areas.**
- 19.09.09. Pedestrian Walkways and Accesses.**
- 19.09.10. Shared Parking and Curb Cuts.**
- 19.09.11. Required Parking by Zone.**

### **19.09.01. Purpose.**

The purpose of this Chapter is to reduce congestion and traffic hazards on public rights-of-way by requiring adequate, functional, and effective use of off-street parking areas. This chapter also establishes minimum landscaping requirements in order to: reduce adverse impacts of headlight glare and lighting within the parking area; improve circulation within parking areas by channeling vehicles and pedestrians; provide climatic relief from broad expanses of pavement; and improve the appearance of the site and surrounding neighborhood.

### **19.09.02. Required Parking.**

Off-street parking shall be provided according to standards noted in this Chapter for all newly constructed buildings, and additional parking shall be provided for any structure or use that is legally expanded.

### **19.09.03. General Provisions.**

1. **Materials for Parking Areas.** Parking areas shall consist of concrete, asphalt, or other impervious materials approved in the City's adopted construction standards.
2. **Maintenance of Parking Areas.** Pavement, striping, landscaping, and lighting are required to be maintained in all parking areas. During times of snowfall, parking areas shall be cleared of snow as soon as practical.
3. **Parking Area Access.** Parking areas for one or more structures may have a common access so long as the requirements of all City ordinances, regulations, and standards are met. The determination of the locations for a common access shall be based upon the geometry, road alignment, and traffic volumes of the accessed road. All structures other than residential are required to provide parking

areas where automobiles will not back across a sidewalk to gain access onto a public street.

4. Lighting in Parking Areas. Parking areas shall have adequate lighting to ensure the safe circulation of automobiles and pedestrians. Lighting shall be shielded and directed downward to prevent nuisances to adjacent properties or uses.
5. Location of Parking Areas. Required off-street parking areas for non-residential uses shall be placed within 600 feet of the main entrance to the building.  
Unenclosed parking for residential areas shall not be provided in rear yards, unless said yard abuts an alley-type access or is fenced with privacy fencing.
6. Storm Water Runoff. All parking areas other than ~~single-single~~-family dwellings shall be reviewed and approved by the City Engineer for adequate drainage of storm water runoff.

#### **19.09.04. Submittal and Approval of Parking Areas.**

1. Plans depicting the parking areas for newly constructed buildings and expanded structures or uses shall be submitted:
  - a. in conjunction with a Site Plan for all non-residential and multi-family residential developments; or
  - b. in conjunction with a preliminary plat application for residential and multi-family residential developments, or
  - b.c. in conjunction with a building permit application for all single-family homes.
2. Parking plans shall show the following: the required number of stalls and aisles scaled to the correct dimensions; the correct number of handicapped accessible parking spaces; storm water drainage capabilities; lighting; landscaping and irrigation; and pedestrian walkways.

#### **19.09.05. Parking Requirements.**

This Section describes criteria to be used in assessing required parking. The following criteria shall be used in conjunction with the table found in Section 19.09.11, Required Parking by Zone, when determining required parking for any project:

1. Available on-street parking shall not be counted towards meeting the required parking stalls.
2. When a parking requirement is based upon square footage, the assessed parking shall be based upon gross square footage of the building or use unless otherwise specified in the requirement.

3. When parking requirements are based upon the number of employees, parking calculations shall use the largest number of employees who work at any one shift. Where shift changes may cause substantial overcrowding of parking facilities, additional stalls may be required.

4. When a development contains multiple uses, more than one parking requirement may be applied.

4.5. Tandem parking spaces will not be counted as parking spaces for non-residential uses except for stacking spaces where identified.

5.6. Any fraction obtained when calculating the parking requirement shall be rounded up to the next whole number to determine the required number of parking stalls.

6.7. Where no comparative land use standard for parking is found in Section 19.09.11, Required Parking by Zone, the City Development Review Committee, Planning Commission, or City Council shall determine an appropriate requirement using the following criteria:

- a. the intensity of the proposed use;
- b. times of operation and use;
- c. whether the hours or days of operation are staggered thereby reducing the need for the full amount of required parking;
- d. whether there is shared parking agreement in accordance with Section 19.09.10 below—if there is a shared parking agreement, a reduction may not be granted;
- e. the number of employees;
- f. the number of customers and patrons;
- g. trip generation; and
- h. peak demands.

7.8. Any information provided by the developer relative to trip generation, hours of operation, shared parking, peak demands, or other information relative to parking shall be considered when evaluating parking needs.

8.9. Parking requirements may deviate from the standards contained in Section 19.09.11, Required Parking by Zone, when the City Council determines that the deviation meets the intent of this Chapter. Reductions may not exceed ~~10~~25% of the parking requirements and shall be based on the following criteria:

- a. the intensity of the proposed use;
- b. times of operation and use;
- c. whether the hours or days of operation are staggered thereby reducing the need for the full amount of required parking;
- d. whether there is shared parking agreement in accordance with Section 19.09.10 below;
- e. trip generation; and
- f. peak demands.

**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.

**19.09.07. Accessible Parking.**

Accessible parking spaces shall be provided in off-street parking areas and shall count towards fulfilling the minimum requirements for automobile parking. The City of Saratoga Springs hereby adopts by this reference the American National Standards Institute (“ANSI”) A117.1, as currently amended, and the International Building Code (“IBC”), as currently amended, as the City’s regulations pertaining to accessible parking. Every development, use, permit, application, plan, and drawing shall comply with the ANSI A117.1 and IBC regulations with regard to location, number, size, dimension, type, marking, surface, clearance, identification, and all other particulars whatsoever. In the event of a conflict, the more restrictive provision shall apply and take precedence.

**19.09.08. Landscaping in Parking Areas.**

The following requirements shall apply to all landscaping of off-street parking areas:

**2.1. Parking Areas Adjacent to Public Streets.** All parking areas (not including a driveway for an individual dwelling) for non-residential or multi-family residential uses that are adjacent to public streets shall have landscaped bermed strips of not less than ten feet placed between the sidewalk and the parking areas. Trees, both deciduous and evergreen, shall be placed in the strip with spacing of no less than thirty-foot intervals. The standards of section 19.06.06, Planting Standards and Design Requirements, shall apply for the minimum size of vegetation.

**3.2. Curbs.** All landscaped areas abutting any paved surface shall be curbed (not including a driveway for an individual dwelling). Boundary landscaping around

the perimeter of the parking areas shall be separated by a concrete curb six inches higher than the parking surface.

**4.3. Clear Sight.** At intersections of streets, driveways, and sidewalks all landscaping shall be limited to a height of not more than three feet. The grade at such intersections shall not be bermed or raised for a distance of thirty feet at intersections and fifteen feet back from driveways to allow for sight distance as detailed in Chapter 19.06.11, Clear Sight Triangles.

**5.4. Components of Landscaped Areas.** All landscaped parking areas shall consist of trees, shrubs, and groundcover. Areas not occupied by structures, hard surfaces, vehicular driveways, or pedestrian walkways shall be landscaped and maintained. All landscaped areas shall have an irrigation system.

**6.5. Required Parking Islands.**

- a. **Islands on Doubled Rows of Parking.** On doubled rows of parking stalls, there shall be one 36-foot by 9-foot landscaped island on each end of the parking rows, plus one 36-foot by 9-foot landscaped island to be placed at a minimum of every twenty parking stalls. Each island on doubled parking rows shall include a minimum of two trees per planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
- b. **Islands on Single Rows of Parking.** On single rows of parking or where parking abuts a sidewalk, there shall be one 18-foot by 9-foot landscaped island a minimum of every ten stalls. Islands on a single parking row shall have a minimum of one tree planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
- c. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site.

**7.6. Landscaped Boundary Strips.** All landscaped boundary strips shall be a minimum of eight feet in width. A landscaped screen, berm, or fence may be required by the City Council around the perimeter of the parking area to mitigate intrusion of lighting from headlights and other lighting on surrounding property.

**8.7. Completion of Landscaping.** All landscaping improvements shall be completed in accordance with the approved Site Plan, landscape-planting plan, and irrigation plan and occur prior to the issuance of a Certificate of Occupancy for the building. Exceptions may be permitted and Certificates of Occupancy issued where weather conditions prohibit the completion of required landscaping improvements. In such cases an extension period of six months is permitted but a bond shall be posted for not less than 115% of the value of the landscaping and shall be held until the requirements of this Chapter are met.

**19.09.09. Pedestrian Walkways and Accesses.**

Parking lots larger than 75,000 square feet shall provide raised or delineated pedestrian walkways. Walkways shall be a minimum of ten feet wide and shall be placed through the center of the parking area and extend to the entrance of the building. Landscaped islands along the center walkway shall be placed at a minimum interval of every thirty feet. Landscaped islands are encouraged to be offset from one another to create a feeling of greater coverage. Pedestrian covered walkways may be substituted for tree-lined walkways. Where the developer desires to have a driveway access at the center of the parking area, a pedestrian access shall be placed on either side of the driveway.

**19.09.10. Shared Parking and Curb Cuts.**

1. Up to ~~ten~~ twenty-five percent of the required parking may be shared with an adjacent use upon approval by the City Council. The developer must provide:
  - a. an agreement granting shared parking or mutual access to the entire parking lot; and
  - b. peak demand data by a professional traffic engineer showing that shared parking will accommodate the uses.
  
2. In most cases, shared parking areas shall share ingress and egress. This requirement may be waived when the City Engineer believes that shared accesses are not feasible. In reviewing the site plans for the shared parking areas, the City Engineer shall evaluate the need for limited access, appropriate number of curb cuts, shared driveways, or other facilities that will result in a safer, more efficient parking and circulation pattern.

**19.09.11. Required Minimum Parking by Zone.**

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%.

<b><del>Agricultural (A), Rural Residential (RR), Low Density Residential (R-2), Low Density Residential (R-3), Medium Density Residential (R-6), Medium Density Residential (R-10), High Density Residential (R-14), and High Density Residential (R-18)</del></b>					
		<del>2 stalls per dwelling enclosed in garages. Driveways are to be 20' in length</del>	<del>2.25 stalls per dwelling including 1 enclosed garage</del>	<del>1 stall per staff member plus 1 stall per 5 students</del>	<del>To be determined by the Planning Commission (See 19.09.05(6))</del>
<del>Agriculture</del>					<del>X</del>
<del>Bed and Breakfast</del>					<del>X</del>
<del>Churches</del>					<del>X</del>
<del>Day care centers associated with PUD's</del>				<del>X</del>	

Equestrian Centers				X
Farm Animals				X
Home Occupations				X
Multi-family structures*		X		
Parks, playgrounds, or community recreation				X
Private Kennels				X
Private and Quasi-Public Schools				X
Residential facilities for elderly persons				X
Single family dwellings	X			
Stables				X

~~\* 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.~~

<b>Neighborhood Commercial (NC), Mixed Use (MU), Regional Commercial (RC), and Office Warehouse (OW), and Industrial (I)</b>						
	5 stalls per 1000 sq. ft.	2 stalls per 200 sq. ft.	1.5 stalls per person employed on highest employee shift	2 stalls per bed	1.5 stall per staff member plus 1 stall per 5 students	To be determined by the Planning Commission (See 19.09.05(6))
Alcoholic Beverage, Package Agency	X					
Alcoholic Beverage, State Liquor Store	X					
Small Animal Hospital, Small Veterinary Office	X					
Animal Kennel, Commercial	X					

Arts and Crafts Sales	X					
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service	X					
Automobile Refueling Station		X				
Automobile Rental & Leasing Agency						X
Automobile Repair, Major		X				
Automobile Repair, Minor		X				
Automobile Sales						X
Bakery	X					
Bakery, Commercial	X					
Bed and Breakfast				X		
Big Box Retail	X					
Bookstore	X					
Building Material Sales (with outdoor storage)	X					
Building Material Sales (without outdoor storage)	X					
Bus Lot						X
Car Wash (full service)	X					
Car Wash (self service)		X				
Child Day-Care/Preschool					X	
	5 stalls per 1000 sq. ft.	2 stalls per 200 sq. ft.	1.5 stalls per person employed on highest employee shift	2 stalls per bed	1.5 stalls per staff member plus 1 stall per 5 students	To be determined by the Planning Commission (See 19.09.05(6))
Churches		X				
Commercial and industrial laundries	X					
Commercial Recreation		X				

Commuter/Light Rail Station						X
Convenience Store		X				
Convenience Store/Fast Food Combination		X				
Copy Center	X					
Crematory/Embalming Facility			X			
Deli	X					
Dry Cleaners	X					
Educational Center	X					
Electronic Media Rental and Sales	X					
Electronic Sales and Repair	X					
Equipment Sales & Service	X					
Financial Institution	X					
Fitness Center	X					
Fitness Center (5,000 sq. ft. or less)	X					
Floral Sales	X					
Grocery Store	X					
Hair Salon	X					
Hardware and Home Improvement Retail	X					
Home Occupations						X
Hospitals						X
Hotels				X		
Ice Cream Parlor	X					
Impound Yard						X
	5 stalls per 1000 sq. ft.	2 stalls per 200 sq. ft.	1.5 stalls per person employed on highest employee shift	2 stalls per bed	1.5 stall per staff member plus 1 stall per 5 students	To be determined by the Planning Commission (See 19.09.05(6))
Large Animal Hospital, Large Veterinary Office	X					
Library						X
Light Manufacturing			X			
Marina						X

Medical and Health Care Offices	X					
Mining	X					
Mixed Use, Commercial, Office & Residential Use						X
Motels				X		
Non-Depository Institutions	X					
Personal Service Establishment	X					
Plant & Tree Nursery						X
Postal Center	X					
Preschool					X	
Printing, lithography, and publishing establishments	X					
Professional Office	X					
Public and private utility buildings and facilities						X
Public Building or Facilities (City Owned)						X
Reception Centers		X				
Recreation Center	X					
Recreation Rentals	X					
Recycling Facilities			X			
Research and Development			X			
Residential above commercial						X
Residential facilities for Elderly Persons						X
Residential Facility for Persons with a Disability						X
	5 stalls per 1000 sq. ft.	2 stalls per 200 sq. ft.	1.5 stalls per person employed on highest employee shift	2 stalls per bed	1.5 stall per staff member plus 1 stall per 5 students	To be determined by the Planning Commission (See 19.09.05(6))
Restaurant, Casual		X				
Restaurant, Sit Down		X				

Retail Sales	X					
Retail Tobacco-Specialty Store	X					
Self-storage or mini storage units						X
Sexually-Oriented Businesses						X
Specialty Retail	X					
Tattoo Parlor						X
Theater						X
Trade or Vocational School						X
Transit-Oriented Development (TOD)						X

<u>Use</u>	<u>Parking Requirement</u>
<u>Agriculture</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Alcoholic Beverage, Package Agency</u>	<u>1.5 stalls per person employed on highest employee shift</u>
<u>Alcoholic Beverage, State Liquor Store</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Animal Hospital, Large/Large Veterinary Office</u>	<u>4 stalls per 1000 sq.ft.</u>
<u>Animal Hospital, small / Small Veterinary Office</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Apiary</u>	<u>=</u>
<u>Arts and Crafts Sales</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Automobile Refueling Station</u>	<u>1 stall per 100 sq. ft.</u>
<u>Automobile Rental &amp; Leasing Agency</u>	<u>4 stalls per 1000 sq. ft. of office space</u>
<u>Automobile Repair, Major</u>	<u>3 stalls for every bay plus 1 stall per person employed on highest employee shift</u>
<u>Automobile Repair, Minor</u>	<u>2 stalls for every bay plus 1 stall per person employed on highest employee shift</u>
<u>Automobile Sales</u>	<u>1 stall per person employed on highest employee shift plus 1 stall for every 15 items on display</u>
<u>Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales &amp;</u>	<u>1 stall per person employed on highest employee shift, plus 1 stall per bay, plus 1 stall for every 15 items on display</u>

<u>Service</u>	
<u>Bakery, Commercial</u>	<u>1.5 stalls per person employed on highest employee shift</u>
<u>Bakery, Retail</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Bed and Breakfast</u>	<u>2 stalls per bedroom</u>
<u>Bookstore</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Building Material Sales (with outdoor storage)</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Building Material Sales (without outdoor storage)</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Bus Lot</u>	<u>2 stalls per 1000 sq.ft. of any office, plus 1 stall per employee originating from that location.</u>
<u>Car Wash (full service)</u>	<u>3 stacking stalls per bay including stall inside bay, plus 1 parking stall per bay, plus 1 stall per person employed on highest employee shift</u>
<u>Car Wash (self service)</u>	<u>2 parking stalls, plus 2 stacking stalls per bay including stall inside bay, plus 1 post-stacking space per bay</u>
<u>Cemetery</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Child care center</u>	<u>1 stall per staff member / volunteer present on highest shift, plus 1 stall per 5 students present at one time</u>
<u>Church</u>	<u>1 stall per 3 seats**</u>
<u>Commercial and industrial laundries</u>	<u>1.5 stalls per person employed on highest employee shift</u>
<u>Commercial Recreation</u>	<u>1 stall per 100 sq. ft.</u>
<u>Commuter/Light Rail Station</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Contract Construction Services Establishments</u>	<u>4 stalls per 1000 sq.ft.</u>
<u>Convenience Store</u>	<u>5 stalls per 1000 sq. ft.</u>
<u>Convenience Store/Fast Food Combination</u>	<u>Based on sq.ft. of each separate use.</u>
<u>Copy Center</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Crematory/Embalming Facility</u>	<u>1.5 stalls per person employed on highest employee shift**</u>
<u>Dairy Farm</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Dry Cleaners</u>	<u>2 stalls per 1000 sq.ft., plus 1 stall per employee on highest employee shift</u>

<u>Dwelling, above commercial</u>	<u>1 stall per bedroom or 2 stalls per unit, whichever is lower, plus 0.25 guest stalls per unit.</u>
<u>Dwelling, Multi-Family*</u>	<u>1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be covered, plus 0.25 guest stalls per unit. **</u>
<u>Dwelling, Single Family</u>	<u>2 stalls per dwelling enclosed in garages. Driveways are to be 20' in length**</u>
<u>Dwelling, Three-Family</u>	<u>1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be covered, plus 0.25 guest stalls per unit.**</u>
<u>Dwelling, Two-Family</u>	<u>1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be covered, plus 0.25 guest stalls per unit. **</u>
<u>Educational Center</u>	<u>4 stalls per 1000 sq.ft.</u>
<u>Electronic Media Rental and Sales</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Electronic Sales and Repair</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Equestrian Center</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Equipment Sales &amp; Services</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Farm Animals</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Financial Institution</u>	<u>2 stalls per 1000 sq. ft.**</u>
<u>Fitness Center (5,000 sq. ft. or less)</u>	<u>6 stalls per 1000 sq. ft.</u>
<u>Fitness Center (5001 sq.ft. or larger)</u>	<u>6 stalls per 1000 sq. ft.</u>
<u>Floral Sales</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Fueling Station</u>	<u>Stalls at the pump will meet the requirement.</u>
<u>Fueling Station, Cardlock Facility</u>	<u>Stalls at the pump will meet the requirement.</u>
<u>Funeral Home</u>	<u>1 stall per 3 seats</u>
<u>Golf Course</u>	<u>3 stalls per hole, plus 1 stall per driving range station, plus 1 stall per employee employed on highest shift. Parking for any reception center, restaurant, or other ancillary use to be calculated separately based on the requirement for that use</u>
<u>Grocery Store</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Hair Salon</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Hardware and Home Improvement Retail</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Home Occupations</u>	<u>Same as for the dwelling, plus 1 stall per each employee that lives outside the home.</u>

<u>Hospitals</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Hotels</u>	<u>2 stalls per bedroom, plus 1 stall per 3 seats in meeting space. If hotel contains a restaurant, restaurant parking shall be calculated separately based on the restaurant sq.ft.</u>
<u>Ice Cream Parlor</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Impound Yard</u>	<u>1.5 stalls per person employed on highest employee shift**</u>
<u>Kennel, Commercial</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Laundromat</u>	<u>5 stalls per 1000 sq.ft.</u>
<u>Library</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Light Manufacturing</u>	<u>1.5 stalls per person employed on highest employee shift</u>
<u>Livestock Auction Yard</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Marina</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Mining</u>	<u>1.5 stalls per person employed on highest employee shift</u>
<u>Mixed Use, Commercial, Office &amp; Residential Use</u>	<u>Based on the sq.ft. of each individual use</u>
<u>Motels</u>	<u>2 stalls per motel room, plus 1 space per 3 seats of meeting space</u>
<u>Non-Depository Institutions</u>	<u>5 stalls per 1000 sq. ft.</u>
<u>Office, High-Intensity</u>	<u>6 stalls per 1000 sq.ft.**</u>
<u>Office, Medical and Health Care</u>	<u>5 stalls per 1000 sq. ft.**</u>
<u>Office, Professional</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Parks, playgrounds, or community recreation - Private</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Parks, playgrounds, Recreation areas, or Other Park Improvements - Public</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Pawn Shop</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Personal Service Establishment</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Plant &amp; Tree Nursery</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Postal Center</u>	<u>5 stalls per 1000 sq. ft.</u>
<u>Preschool</u>	<u>1 stall per staff member / volunteer present on highest shift, plus 1 stall per 5 students present at one time**</u>
<u>Printing, lithography, and publishing establishments</u>	<u>4 stalls per 1000 sq. ft.</u>

<u>Public and private utility buildings and facilities</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Public Building or Facilities (City Owned)</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Reception Centers</u>	<u>1 stall per 100 sq. ft.</u>
<u>Recreation Center</u>	<u>1 stall per 100 sq. ft.</u>
<u>Recreation Rentals</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Recreational Vehicle Sales</u>	<u>See Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales &amp; Service</u>
<u>Recycling Facilities</u>	<u>1.5 stalls per person employed on highest employee shift, plus 3 stacking stalls at drop-off</u>
<u>Research and Development</u>	<u>1.5 stalls per person employed on highest employee shift</u>
<u>Residential Facilities for Elderly Persons</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Residential Facility for Persons with a Disability</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Restaurant, Casual</u>	<u>1 stall per 100 sq. ft.</u>
<u>Restaurant, Deli</u>	<u>5 stalls per 1000 sq. ft.</u>
<u>Restaurant, Sit Down</u>	<u>1 stall per 100 sq. ft.</u>
<u>Retail Sales</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Retail, Big Box</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Retail, Specialty</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Retail, Tobacco Specialty Store</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Riding Arena (Commercial)</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Riding Arena (Private)</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>School, Private and Quasi-Public</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>School, Trade or Vocational</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Self-storage or mini storage units</u>	<u>1 per bedroom in any caretaker unit, plus 1 stall for every 50 storage units.</u>
<u>Sexually Oriented Businesses</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Shooting Range, Indoor or Outdoor</u>	<u>1 stall per shooting lane, plus 4 stalls per 1000 sq.ft. of office/retail space.</u>
<u>Stables</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>
<u>Tattoo Parlor</u>	<u>4 stalls per 1000 sq. ft.</u>
<u>Theater</u>	<u>To be determined by the Planning Commission (See 19.09.05(6))</u>

Transit-Oriented Development (TOD)

To be determined by the Planning Commission (See 19.09.05(6))

\* 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%.  
NOTE: Tandem parking spaces will not be counted as parking spaces for non-residential uses.