

**ORDINANCE NO. 14-23-1 (10-21-14)**

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 If they cannot be amended to comply with the provisions hereof, they are hereby repealed.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

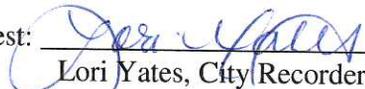
**SECTION V – PUBLIC NOTICE**

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 21 day of October, 2014.

Signed:   
Jim Miller, Mayor

Attest:   
Lori Yates, City Recorder

10.21.14  
Date

Shellie Baertsch  
Rebecca Call  
Michael McOmber  
Stephen Willden  
Bud Poduska

**VOTE**

Aye  
Aye  
Aye  
Aye  
Aye



**Title 19. LAND DEVELOPMENT CODE.**

**Chapters:**

- 19.01. General Provisions.**
- 19.02. Definitions.**
- 19.03. Land Use Administration and Enforcement.**
- 19.04. Establishment of Land Use Zones and Official Map.**
- 19.05. Supplementary Regulations.**
- 19.06. Landscaping and Fencing.**
- 19.07. Planned Unit Development (PUD).**
- 19.08. Home Occupations.**
- 19.09. Off-Street Parking Requirements.**
- 19.10. Hillside Development Ordinance.**
- 19.11. [Reserved]**
- 19.12. Subdivisions.**
- 19.13. Development Review Processes.**
- 19.14. Site Plan Review.**
- 19.15. Conditional Use Permit.**
- 19.16. [Reserved]**
- 19.17. General Plan, Ordinance, and Zoning Map Amendments.**
- 19.18. Sign Regulations.**
- 19.19. [Reserved]**
- 19.20. [Reserved]**
- 19.21. Agriculture Protection Areas.**
- 19.22. Annexation.**
- 19.23. Sexually Oriented Businesses.**
- 19.24. Procedures for Reviewing Constitutional Taking Claims.**
- 19.25. Lake Shore Trail.**
- 19.26. Planned Community Zone.**
- 19.27. Addressing and Street Naming.**

**Chapter 19.01. General Provisions.**

**Sections:**

- 19.01.01. Short Title.**
- 19.01.02. Application.**
- 19.01.03. Scope.**
- 19.01.04. Purpose.**
- 19.01.05. Effect of Other Regulations.**
- 19.01.06. Effect of Private Covenants and Agreements.**
- 19.01.07. Classification of Annexed Territory.**
- 19.01.08. Establishment of Land Use Zones.**
- 19.01.09. Requirements Declared Minimums.**
- 19.01.10. Property Use Regulations.**
- 19.01.11. Effect on Previous Ordinances and Maps.**
- 19.01.12. Permits and Licenses.**
- 19.01.13. Administrative Reviews, Certificates, and Permits.**
- 19.01.14. Fees.**
- 19.01.15. Expiration of Building Permits.**
- 19.01.16. Cancellation of Permits, Certificates, and Approvals.**
- 19.01.17. Development to Be in Accordance with Terms of Approval.**
- 19.01.18. Public Hearings.**
- 19.01.19. Planning Commission Recommendation.**
- 19.01.20. Incorporation of Standard Technical Specifications and Drawings.**

**19.01.01. Short Title.**

This Title shall be known as the Land Development Code of the City of Saratoga Springs and may be so cited and pleaded.

**19.01.02. Application.**

The provisions of this Chapter are general in nature and as applied affect the entire Title.

**19.01.03. Scope.**

This Title is designed and enacted in accordance with a Land Use Element of the General Plan to:

1. designate, regulate, and restrict the erection, construction, reconstruction, alteration, location, and uses of buildings and the uses of land for business, industry, residence, recreation, public activities, or other purposes;
2. regulate and restrict the height, number of stories, size, and bulk of buildings and other structures hereafter erected or altered;
3. regulate and restrict the height, bulk, and location of objects of natural growth where such objects are deemed to be hazardous to life or property;

4. regulate and determine the size of lots, courts, yards, and other open spaces and the percentage of the lot that may be occupied; and
5. regulate the density and distribution of population, and for these purposes to divide the municipality into land use zones of such number, shape, or area as may be deemed best suited to carry out these regulations and provide for their enforcement.

**19.01.04. Purpose.**

1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
  - a. encourage and facilitate the orderly growth and expansion of the City;
  - b. secure economy in governmental expenditures;
  - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
  - d. enhance the economic well-being of the municipality and its inhabitants;
  - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
  - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
  - g. stabilize and conserve property values;
  - h. encourage the development of an attractive and beautiful community; and
  - i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.
2. This Section shall not be interpreted to prohibit any use of land that is otherwise not prohibited in this Title and shall only be used to provide clarification as to legislative intent.

**19.01.05. Effect of Other Regulations.**

Wherever the provisions of any other applicable federal, state, or City statute, ordinance, or regulation establish higher or more restrictive standards than are established by the provisions of this Title, the provisions of such other statute, ordinance, or regulation shall govern.

**19.01.06. Effect of Private Covenants and Agreements.**

1. This Title shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons. In the event there are less restrictive provisions of private covenants and agreements, this Title shall prevail.
2. Enforcement of private covenants and agreements is affected only by the parties in interest, and the responsibility of enforcement shall not be assumed by the City or its agents.

**19.01.07. Classification of Annexed Territory.**

1. In accordance with Utah Code § 10-9a-506, all property annexed to the City shall be classified at the time the property is annexed in land use zones that are defined in this Code and listed in the Land Use Element of the General Plan.
2. If the City does not classify the property at the time the property is annexed, then all land uses within the annexed territory shall be compatible with surrounding uses within the City.
3. When determining what land use designations may be appropriate, the City Council shall carefully consider the land use of adjacent properties.
4. The public hearing and classification of land use shall be considered in the same manner as set forth in Chapter 19.17.

(Ord. 14-4)

**19.01.08. Establishment of Land Use Zones.**

The municipality is divided into land use zones as shown on the City's official zoning map, which map and boundaries, notations, references, and other information shown thereon shall be as much a part of this Title as if the information and matters set forth by the map were all fully described herein.

**19.01.09. Requirements Declared Minimums.**

The uses and regulations that apply to each land use zone are established in accordance with the Land Use Element of the General Plan, which is designed to guide the purposes of this Title. The requirements herein are declared to be the minimums that are necessary to accomplish the purposes of this Title.

(Ord. 14-4)

**19.01.10. Property Use Regulations.**

The use of all real property within the City shall be limited and restricted as follows:

1. no land shall be used or occupied except as specifically permitted in the regulations for the land use zones in which it is located;
2. no land shall be used or occupied for use which is permitted only as an accessory or ancillary use to an established main use before such main use is actually established or where an established main use of the land has ceased;

3. no structure shall be designed, erected, altered, used, or occupied for use except for uses specifically permitted on the lot upon which the structure is located or erected as stated in the regulations for the land use zone in which the lot is located; and
4. no structure shall be erected, used, or occupied for a use which is permitted only for purposes accessory to an established main use or main building before such building has actually been located, been erected, or had its use established, and has been placed into operation, provided that:
  - a. any such accessory use structure may be erected after construction of the main building or use has commenced and during the construction of the main building; and
  - b. no existing accessory use building may be continued to be used after the operation of the main building or use has ceased.

**19.01.11. Effect on Previous Ordinances and Maps.**

1. This Title, including the attached map or maps and any amendments to this Title, shall be deemed a continuation of previously adopted versions of this Code.
2. Determinations regarding questions of conforming and nonconforming uses or structures, and questions as to the dates upon which such uses or structures became complying or noncomplying, shall be made independently with reference to:
  - a. the status of the use or structure; and
  - b. the applicable dates of enactment of the ordinance or regulation creating said status.

**19.01.12. Permits and Licenses.**

Permits or licenses issued by the City of Saratoga Springs shall comply with this Title. All departments, officials, and public employees of the City of Saratoga Springs that are vested with the duty or authority to issue permits or licenses may deny or revoke any permit or license that does not meet the requirements of this Title.

**19.01.13. Administrative Reviews, Certificates, and Permits.**

1. **Land use review for building permits and business licenses.**
  - a. After filing an application with the appropriate department, all applications for building permits and business licenses shall be submitted to the Planning Director for land use review.
  - b. All reviews made by the Planning Director pursuant to this Section shall ensure compliance with the requirements of this Code.
  - c. The application for a building permit shall be accompanied by a Lot Layout showing lot lines and dimensions, locations of structures and improvements, building elevations, and all data necessary to ensure provisions of this Code are met. The Building Department shall not issue any building permit until approved by the Planning Director to ensure that the requirements of this Title or any applicable development agreement are met.
  - d. The Building Department or City Recorder may consult with the Planning Department to determine whether a building permit or business license

application meets the requirements of this Title or any applicable development agreement.

2. **Site Plan and Architectural review.** The Planning Director shall receive all applications for Site Plan Review, as provided for in Chapter 19.14.
3. **Conditional Use permits.** Applications for a Conditional Use permit shall be submitted to the Planning Director as provided for in Chapter 19.15. The Planning Director shall assure completeness and prepare for submittal to the Development Review Committee for review and the City Council for action.
4. **Land use zone amendments.** Requests for amendments or changes to the land use ordinance or zoning map shall be initiated with the Planning Department. The amendment process shall proceed as provided for in Chapter 19.17.
5. **Home Occupation permit.** An application for a Home Occupation permit shall be presented for review and approval to the Planning Director. Upon such approval, the Planning Director is authorized to issue a permit, as provided in Chapter 19.08.

**19.01.14. Fees.**

1. A fee for reviews, certificates, and permits shall be charged as set forth in the City of Saratoga Springs Consolidated Fee Schedule.
2. No fee covered under this Section is returnable in the event that the permit or approval applied for is denied.

**19.01.15. Expiration of Building Permits.**

Building Permits shall expire as provided in the building code currently adopted by the City. See Section 18.01.01 for a list of the currently adopted codes.

**19.01.16. Cancellation of Permits, Certificates, and Approvals.**

1. Failure to comply fully with the terms of any permits, certificates, or approvals is sufficient grounds for cancellation of such.
2. The City official, Board, Commission, Council, or agency that issued the permit, certificate, or approval may take action to cancel it for failure to comply.
3. The entity issuing a cancellation under Subsection 2 shall mail a notice of cancellation to the permittee at the address provided on the application, and such mailing constitutes proper notice of action taken under this Section.

**19.01.17. Development to Be in Accordance with Terms of Approval.**

1. Upon issuance of any approval, the developer, owner, or designee shall proceed only in accordance with the terms of such approval, including any requirement or condition of approval and any requirement of federal, state, and City laws, rules, or regulations.

2. No building permit required in connection with such proposed development or operation shall be issued until all permits, reviews, or approval required by this Title have been secured.
3. Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required in the particular case.

**19.01.18. Public Hearings.**

1. Public hearing procedures for land use ordinance amendments, general plan amendments, and development approval are described in Chapters 19.13 and 19.17 of this Title and in the Utah Code.
2. Public hearing procedures for appeals from decisions applying or interpreting this Title are set forth in Chapter 19.03.

**19.01.19. Planning Commission Recommendation.**

Except where otherwise provided herein or by state law, all actions, determinations, and decisions by the City Council under Title 19 require prior recommendation by the Planning Commission.

**19.01.20. Incorporation of Standard Technical Specifications and Drawings.**

The City incorporates the City of Saratoga Springs Standard Technical Specifications and Drawings herein by this reference. Any reference to City ordinances, regulations, and standards herein shall also include the Standard Technical Specifications and Drawings. Further, any of the enforcement provisions herein shall also be applicable to such specifications and drawings.

## Chapter 19.02. Definitions

### Sections:

#### 19.01.01. 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, and
  - e.f. does not include storage containers.
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~~ Agricultural 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.
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.
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.
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.
10. **“Applicable building code”**: see “Building code”
11. **“Applicable fire code”**: see “Fire code”
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.
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.
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.
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.

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.
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.
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.
19. **“Back yard”**: see “Yard, rear”
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.
21. **“Bakery, Commercial”** means a place for preparing, cooking, baking, and selling of products intended for off-premise distribution only.
22. **“Basement house”** means a one-story dwelling of which fifty percent or more of the floor area is below the finished grade.
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”**
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.
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.

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.

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

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.

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.

31. **“Building, Accessory”**: see **“Accessory Building”**

~~32.~~ **“Building, Agriculture”**: see **“Agriculture Building”**

~~32.~~

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

~~34.~~

~~35-34.~~ **“Building height” or “Structure height” means:**

- ~~36.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
- ~~37.b.~~ the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

~~38.~~ **“Building inspector”** means an individual appointed by the City of Saratoga Springs to enforce the provisions of the building code.

~~35.~~

~~39-36.~~ **“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.

~~40-37.~~ **“Building, main”**: see **“Main building”**

~~41-38.~~ **“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.

~~42-39.~~ **“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.

~~43-40.~~ **“Building Official”** or **“City Building Official”** means the City of Saratoga Springs Building Official.

~~44-41.~~ **“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.

~~**“Building height”** or **“Structure height”** means:  
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  
the mean height level between eaves and ridge for gable, hip, or gambrel roofs.~~

~~45-42.~~ **“Bus Lot”** means any lot or land area used for the storage or layover of passenger buses or motor coaches.

~~46.43.~~ **“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.

~~47.44.~~ **“Car wash (self-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.

~~48.45.~~ **“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.

~~49.~~ **“Charter School”** see **“School, Charter”**  
~~46.~~

~~50.47.~~ **“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.

~~51.48.~~ **“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.

~~52.49.~~ **“City Engineer”**: see **“Engineer, City”**

~~53.50.~~ **“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.

~~54.51.~~ **“Collector street (major and minor)”** means a street which provides for movement between arterial and local streets and direct access to abutting property.

~~55.52.~~ **“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.

~~56.53.~~ **“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.

~~57.54.~~ **“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.

~~58.55.~~ **“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.

~~59.56.~~ **“Concept Plan”** means a sketch or concept 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 developer is in general compliance with the City’s ordinances and development regulations and policies.

~~60.57.~~ **“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.

~~61.58.~~ **“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.

~~62.59.~~ **“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.

~~60.~~ **“Contract Services Office”** means an enclosed space containing the permanent business office for a landscape, plumbing, painting, construction, or similar contractor, and used for the housing and operating of company machinery, the provision of services, the storage of materials and equipment, and the maintenance of company equipment, but that does not include outdoor storage other than the parking of company and passenger vehicles. Equipment such as backhoes and front loaders are considered as equipment, not vehicles.

~~63.61.~~ **“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.

~~64.62.~~ **“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.

~~65.63.~~ **“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.

~~66.64.~~ **“Corner lot”** means a building lot situated within a corner created by the intersecting lines of a street or streets.

~~67-65.~~ **“Crematory/Embalming Facility”** means a building used for the cremation and/or embalming of deceased persons but not including facilities for burial, interment, body viewing, or funeral services.

~~68-66.~~ **“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.

~~69-67.~~ **“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.

~~70-68.~~ **“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.

~~71-69.~~ **“Detached”** means freestanding with open space on all four sides.

~~72-70.~~ **“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.

~~73-71.~~ **“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.

~~74-72.~~ **“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.

~~75-73.~~ **“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.

**76.74. “Double frontageAccess”:**

- a. “Double frontageaccess” means driveway access on public streets from the front and the rear.
- b. This definition does not apply to corner lots.

**75. “Driveway, single” means a private roadway that is owned and maintained by one property owner and provides direct vehicular access between a public or private roadway and a parking space, garage, dwelling, or other structure on a single lot or parcel.**

**76. “Driveway, shared” means a private roadway that is owned and maintained by one or more than one property owner and provides direct vehicular access between a public or private roadway and a parking area, garage, or other structure to serve more than one dwelling or on more than one lot or parcel.**

**77. “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.

**78. “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.

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

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

**81. “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.

**82. “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.

**83. “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.

84. **“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.
85. **“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.
86. **“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.
87. **“Electronic Media Rental and Sales”** means a retail establishment whose primary function is the sale or rental of videos, CDs, or DVDs.
88. **“Electronic Sales and Repair”** means a retail establishment that deals in the sale and repair of electronics.
89. **“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.
90. **“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.
91. **“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.
92. **“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.
93. **“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.
94. **“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.
95. **“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)
96. **“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.

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

98. **“Fence”** means an artificially constructed barrier to identify a property boundary or enclose a space.

- a. **Fence, barbed wire:** means a fence with one or more strands of wire or other material having intermittent or continuous sharp points that may puncture, tear, cut, or snag. This does not include razor wire.
- b. **Fence, wire:** means an open mesh fence made of woven wire, or any other fence where the majority of construction consists of wire, including chain link, no climb, and other agricultural style wire fences but not including razor wire.
- c. **Fence, private / privacy:** means a fence constructed to prevent views through the fence.
- 97-d. **Fence, semi-private:** means a fence with a regular pattern that permits views through a minimum of 30% of the fence when viewed perpendicular to the plane of the fence.

~~98.99.~~ **“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.

~~99.100.~~ **“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.

~~100.101.~~ **“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.

~~101.102.~~ **“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.

~~102.~~ **“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.103. Where a lot has no frontage on a public street, the average level elevation of the finished ground surface adjacent to and measured along all exterior walls shall be the finished surface grade.~~

~~103.104.~~ **“Fire code”** means the International Fire Code adopted by the City by ordinance and codified in Title 18.

~~104.105.~~ **“Fitness Center”** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

~~105.106.~~ **“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.

~~106.107.~~ **“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.

~~107.108.~~ **“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.

~~108.109.~~ **“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.

~~109.110.~~ **“Front yard”**: see **“Yard, front”**

~~110.111.~~ **“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.

~~111.112.~~ **“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.

~~112.113.~~ **“Fueling Station, Cardlock Facility”** means an automated vehicle fuel sales facility without an attendant.

~~113.114.~~ **“Funeral Home”**:

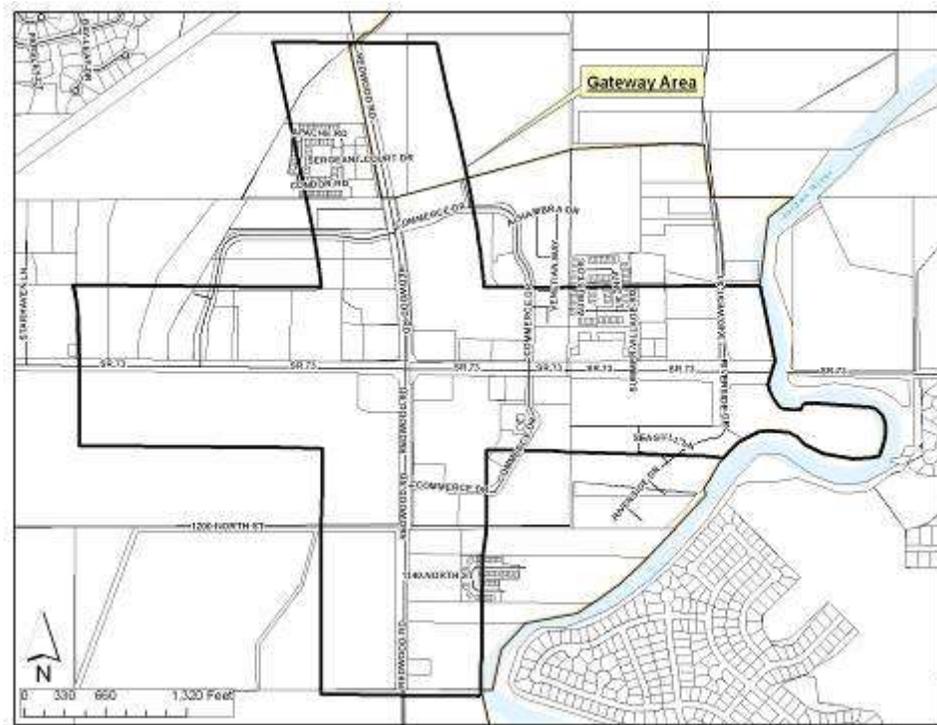
- a. means a building used for the preparation and embalming of deceased persons for viewing, burial, and cremation of deceased persons and the conducting of rituals connected therewith before burial or cremation; and
- b. may include a chapel for the conducting of funeral services, areas for funeral services and gatherings, and areas for the display of funeral equipment.

~~114.115.~~ **“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.

~~115.116.~~ **“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.



**116.117. “Golf course”** means a parcel of land laid out for at least 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.

**117.118. “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 [Chapter 18 and Sections 19.10 and 19.13 of this Title](#)).

**118.119. “Grocery store”** means a store:

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

**119.120. “Hair Salon”** means a retail business:

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

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

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

122. **“Height”** see “Building Height”

~~121.~~123. **“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).

~~122.~~124. **“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.

~~123.~~125. **“Hotel”** means a building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both.

~~124.~~126. **“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.

~~125.~~127. **“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.

128. **“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.

~~126.~~129. **“Institutional Use”** means a public, nonprofit, or quasi-public use providing service to the public, such as a public or private school, civic building, library, hospital, or government owned or government-operated structure.

~~127.~~130. **“Interior lot”** means any building lot other than a corner lot.

~~128.~~131. **“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.

~~129.~~132. **“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.

~~130.~~133. **“Kennel, commercial”** 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.

~~131.~~134. **“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.

~~132.~~135. **“Landscaping”**: means the installation of any combination of the following items to produce an aesthetic effect or to enhance and preserve natural features of the site:

~~a. means the installation of living plant materials and ground cover, such as lawn, ground cover, annual and perennial flowering plants, native vegetation, vines, shrubs, mulch, bark, decorative rock, xeriscaping, and trees but not including weeds or noxious plants, planted directly on the property and kept free from all hard surfaces; and~~

~~a. —~~

b. ground cover, such as mulch, bark, and decorative rock; and

~~b. —~~

~~c. may includes the use of sculptures and water, including: pools ponds, fountains, falls, and streams; and~~

e.d. statues, outdoor artwork, benches and tables, earth berms, pots and planters.

~~133.~~136. **“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.

~~134.~~137. **“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.

~~135.~~138. **“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.

~~136.~~139. **“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.

~~137.140.~~ **“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.

~~138.141.~~ **“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.

~~139.142.~~ **“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.

~~140.143.~~ **“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.

~~141.144.~~ **“Local street”** means a street which provides for direct access to abutting land and for local traffic movement.

~~142.145.~~ **“Lot, Building”**: see **“Building Lot”**

~~143.146.~~ **“Lot, Corner”**: see **“Corner lot”**

~~144.147.~~ **“Lot coverage”** means the portion of a lot that is occupied by buildings or structures including accessory uses.

~~145.148.~~ **“Lot Depth, Inside Lots”**: see **“Depth”**

~~146.149.~~ **“Lot Depth, Multi-frontage and Corner Lots”**: see **“Depth”**

~~147.150.~~ **“Lot, Double Frontage”**: see **“Double frontage”**

~~148.151.~~ **“Lot, Flag”**: see **“Flag Lot”**

~~149.152.~~ **“Lot, Interior”** see **“Interior Lot”**

~~150.153.~~ **“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.

~~151.154.~~ **“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.

~~152.155.~~ **“Lot Line, Front”**: see **“Lot line”**

~~153.156.~~ **“Lot Line, Front for Flag Lot”**: see **“Lot line”**

~~154.157.~~ **“Lot Line, Rear for Corner Lot”**: see **“Lot line”**

~~155.158.~~ **“Lot line, Rear for Interior Lots”**: see **“Lot line”**

~~156.159.~~ **“Lot line, Side for Corner Lot”**: see **“Lot line”**

~~157.160.~~ **“Lot line, Side for Interior Lot”**: see **“Lot line”**

~~158.161.~~ **“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.

~~159.162.~~ **“Lot Width for Corner Lot”**: see **“Lot width”**

~~160.163.~~ **“Lot Width for Interior Lot”**: see **“Lot width”**

~~161.164.~~ **“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.

~~162.165.~~ **“Major collector”**: see **“Collector street (major and minor)”**

~~163.166.~~ **“Major grading permit”**: see **“Grading permit, major”**

~~164.167.~~ **“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.

~~165.168.~~ **“Manufacturing”:**

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

~~166.169.~~ **“Marina”** means a public or private dock or basin providing secure moorings for boats and often offering supply, repair, and other facilities.

~~167.170.~~ **“Mining”** 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.

~~168.171.~~ **“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.

~~169.172.~~ **“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.

~~170.173.~~ **“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.

~~171.174.~~ **“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.

~~172.175.~~ **“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.

- ~~173.176.~~ **“Model Home”** means a dwelling temporarily used as a sales office for a residential development under construction, and not for general real estate business.
- ~~174.177.~~ **“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.
- ~~175.178.~~ **“Multi-family Dwelling”**: See **“Dwelling, Multi-family”**
- ~~176.179.~~ **“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.
- ~~177.180.~~ **“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.
- ~~178.181.~~ **“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.
- ~~179.182.~~ **“Nonconforming use”** means a use meeting the definition contained in Utah Code § 10-9a-103 for a Nonconforming Use.
- ~~180.183.~~ **“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.

~~181.184.~~ **“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.

~~182.185.~~ **“Office”** means a room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

~~183.186.~~ **“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.

~~184.187.~~ **“Office, Medical and Health Care”:**

- 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.

~~185.188.~~ **“Office, Professional”** 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.

~~186.189.~~ **“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.

~~187.190.~~ **“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.

~~188.191.~~ **“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.

~~189.192.~~ **“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.

~~190.193.~~ **“Park strip”** means the strip of land located within the public right of way between the edge of a lot or parcel and the curb and gutter, or the edge of the sidewalk and the curb and gutter, whichever measurement is farther from the curb.

~~191.194.~~ **“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.

~~192.195.~~ **“Parking, Off-street”:** See **“Off-street parking”**

~~193.196.~~ **“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.

~~194.197.~~ **“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.

~~195.198.~~ **“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.

~~196.199.~~ **“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.

~~197.200.~~ **“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.

~~198.201.~~ **“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.

~~199.202.~~ **“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.

~~200.203.~~ **“Planning Commission”** means the City of Saratoga Springs Planning Commission.

~~201.204.~~ **“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.

**202-205. “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.

**203-206. “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.

**204-207. “Preliminary Plat”** means the initial formal plat of a proposed land division or subdivision and containing the information required by this Code.

**205-208. “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.

**206-209. “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.

**207-210. “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.

**208-211. “Private kennel”:** see **“Kennel, private”**

**209-212. “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.

**210-213. “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.

**211-214. “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.

**212-215. “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.

**213-216. “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.

**214-217. “Public building”**: see **“Building, public”**

**215-218. “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.

**216-219. “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.

**217-220. “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.

**218-221. “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.

**219-222. “Public school”**: See **“School, Public”**

**220-223. “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.

221-224. **“Reception Center”** means an establishment with facilities that are rented for either private or public gatherings which may also provide catering or entertainment services.

222-225. **“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.

223-226. **“Recreation rentals”** means an establishment that specializes in the rental of outdoor recreation equipment or similar items and accessories.

224-227. **“Recreational vehicle sales”** means an establishment that sells motor homes, all-terrain vehicles, snowmobiles, watercraft, and other similar vehicles and accessories.

225-228. **“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.

226-229. **“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.

227-230. **“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.

228-231. **“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.

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

230.233. **“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.

231.234. **“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.

232.235. **“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.

233.236. **“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.

234.237. **“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.

235.238. **“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.

**236-239. “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.

**237-240. “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.

**238-241. “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.

**239-242. “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.

**240-243. “Road, private”:** See “Private Road.”

**241-244. “Roadside Stand”:** See Produce Stand.

**242-245. “School, Charter”** means:

- a. A school licensed in accordance with Utah Code Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act.
- b. 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.

**243-246. “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.

**244-247. “School, Public”** means an educational facility operated by a public school district as defined in the Utah State Code.

**245-248. “School, Trade or Vocational”** means a post high school educational or vocational training facility.

~~246.249.~~ **“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. “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.~~

~~248.250.~~ **“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.

~~249.251.~~ **“Setback”** means the shortest horizontal distance permitted in each zone, as set forth in the City’s zoning districts, between the identified boundary lines of a lot and ~~the~~ a building, structure, or part thereof.

~~250.252.~~ **“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.

~~251.253.~~ **“Side yard”**: see **“Yard, side”**

~~252.254.~~ **“Sidewalk”** means a passageway for pedestrians, excluding motor vehicles.

~~253.255.~~ **“Single family dwelling”**: See **“Dwelling, Single family”**

~~254.256.~~ **“Stable”** means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.

~~257.~~ **“Sexually oriented business”** is defined in 19.23.02.

~~255.258.~~ **“Storage - Self-storage or mini-storage units”:**

~~e.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~~

~~d.b. may include refrigerated or climate-controlled facilities.~~

~~259.~~ **“Storage, Outdoor”** means a location where a business keeps equipment, supplies, and other business related materials in an outdoor area fully enclosed by a minimum six foot opaque wall or fence. Outdoor storage does not include wrecking yards, dumps, and other debris storage.

~~256-260.~~ **“Storage, Vehicle”** means a location where Recreational Vehicles, cars, trucks, and other vehicles are stored in an enclosed structure, or in an outdoor area fully enclosed by a minimum six foot opaque wall or fence. Vehicle Storage does not include sales.

~~257-261.~~ **“Streets, Collector, Major and Minor”**: see **“Collector street (major and minor)”**

~~258-262.~~ **“Street, Local”**: see **“Local street”**

~~259-263.~~ **“Street, Public”**: see **“Public street”**

~~260-264.~~ **“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.

~~261-265.~~ **“Structure height”**: see **“Building height”**

~~262-266.~~ **“Subdivider”**: see **“Developer”**

~~263-267.~~ **“Subdivision”** means any land that meets the definition of subdivision in Utah Code § 10-9a-103.

~~264-268.~~ **“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.

~~269.~~ **“Swimming Pool, Community”** refers to a pool that is open to a limited public through membership, such as an HOA or club.

~~270.~~ **“Swimming Pool, Private”** means a pool on an individual residential lot intended for primary use by the occupants of that lot.

~~271.~~ **“Swimming Pool, Public”** refers to a pool that is open to the general public, with or without a fee.

~~265-~~

~~266-272.~~ **“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.

~~267-273.~~ **“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.

~~268-274.~~ **“Temporary Use”** means a use that is associated with a holiday or special event for a limited duration of time, including Outdoor Seasonal Sales.

~~269-275.~~ **“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.

~~270-276.~~ **“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.

~~271-277.~~ **“Trail”** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.

~~272-278.~~ **“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.

~~273-279.~~ **“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.

~~274-280.~~ **“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.

~~275-281.~~ **“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.

~~276-282.~~ **“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.

~~277.283.~~ **“Water Utility Ordinance”** means the City of Saratoga Springs’ adopted water utility ordinance.

~~278.284.~~ **“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.

~~279.285.~~ **“Wireless telecommunication equipment”** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.

~~280.286.~~ **“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: as illustrated in Drawing 1 below.

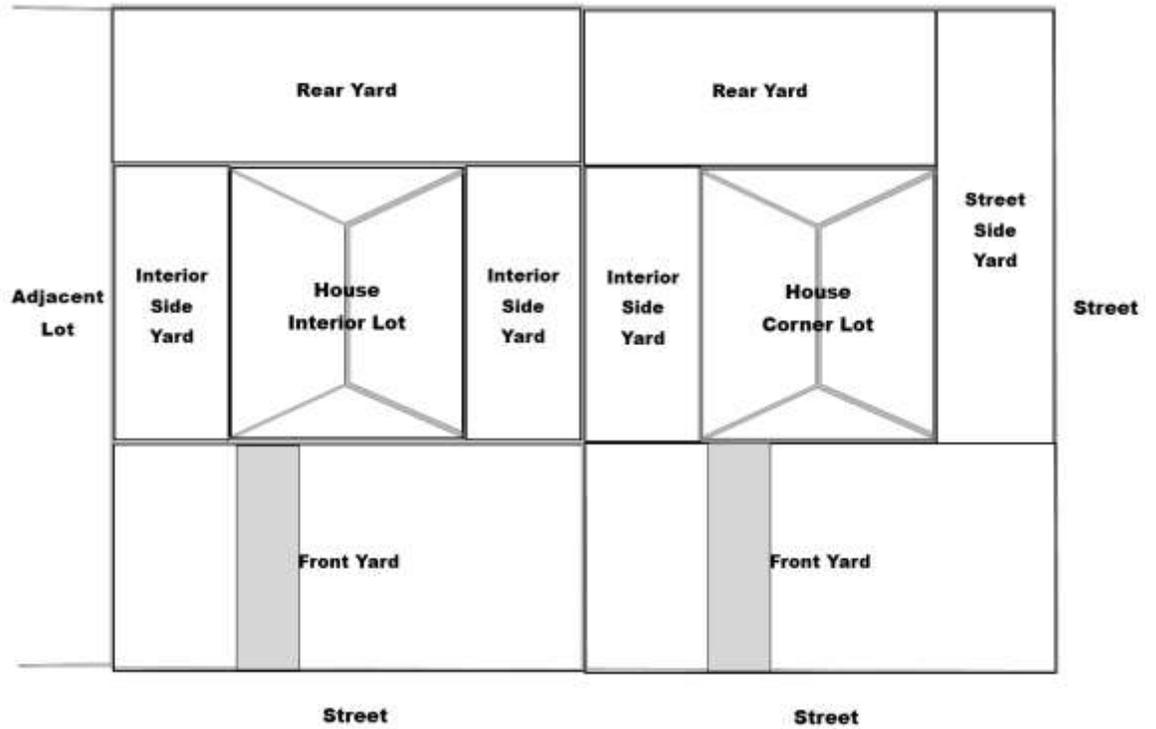
~~281.287.~~ **“Yard, front”** means a yard between the front lot line and the front façade of the main building and extending for the full width of the lot as illustrated in Drawing 1 below.

~~282.288.~~ **“Yard, rear”** means a yard between the rear lot line and the rear facade of a main building, extending across the full width of ~~inside~~ interior lots; or, for corner lots, a yard between the rear lot line and the setback line of the building and extending between the interior side lot line and the front yard or street side yard lying opposite thereto as illustrated in Drawing 1 below.

~~289.~~ **“Yard, side”**

- a. interior lot: means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and
- b. corner lot: a yard between the street side lot line and the side façade of a main building, extending from the front yard to the rear lot line, as illustrated in Drawing 1 below.

**Drawing 1, Interior Lot and Corner Lot Yards**



~~283.~~

~~284.290.~~ **“Zoning map”** means a map that contains all of the land use zone designations for all properties located within the City of Saratoga Springs.

(Ord. 14-13, Ord. 14-4, Ord. 14-1)

## **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.**
- 19.04.07. Summary of Land Use Regulations.**
- 19.04.08. Agricultural (A).**
- 19.04.09. Residential Agricultural (RA-5).**
- 19.04.10. Rural Residential (RR).**
- 19.04.11. Low Density Residential (R-1)**
- 19.04.12. Low Density Residential (R-2).**
- 19.04.13. Low Density Residential (R-3).**
- 19.04.14. Low Density Residential (R-4).**
- 19.04.15. Low Density Residential (R-5).**
- 19.04.16. Medium Density Residential (R-6).**
- 19.04.17. Medium Density Residential (R-10).**
- 19.04.18. High Density Residential (R-14).**
- 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;
6. distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
7. where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in the aforementioned rules, the City Planning Director or designee shall interpret the zone boundaries.

**19.04.07. Summary of Land Use Regulations.**

**1. General Development Standards-Residential:** The following table summarizes the general development standards adopted for individual residential land use zone regulations in the City of Saratoga Springs:

~~General Development Standards-Residential~~

Development Standard	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18
Maximum ERUs	1 unit/5 acre*	1 unit/5 acres*	1 unit/acre*	1 unit/acre*	2 units/acre*	3 units/acre*	4 units/acre*	5 units/acre*	6 units/acre*	10 units/acre*	14 units/acre*	18 units/acre*
<b>Minimum Lot Size:</b>												
Residential, per Residential Building	5 acres	5 acres	1 acre	1 acre	14,000 sq. ft. <sup>F</sup>	10000 sq. ft. <sup>F</sup>	9000 sq. ft. <sup>F</sup>	8000 sq. ft. <sup>F</sup>	6000 sq. ft.	5000 sq. ft.	5000 sq. ft.	5000 sq. ft.
Non-residential Use**	5+ acres	5+ acres	1+ acre									
<b>Minimum Setbacks (DU Primary Structure):</b>												
Front	50'	50'	35'	35'	25'	25'	25'	25'	25'	25'	25'	25'
Side	12'	12'	12'	12'	8'/20'	8'/20'	8'/16'	6'/12'	5'/10'	5'/10'	5'/10'	5'/10'
Rear	25'	25'	25'	25'	25'	25'	20'	20'	20'	20'	20'	20'
<b>Corner Lots:</b>												
Front	50'	50'	35'	35'	25'	25'	25'	25'	25'	20'	25'	20'
Side (corner side)	12'	12'	12'	12'	20'	20'	20'	20'	20'	15'	20'	15'
<b>Minimum Setbacks (accessory buildings requiring a building permit):</b> <b>See § 19.05.11 for additional requirements.</b>												
Interior Side, Rear	25'	25'	25'	25'	5'	5'	5'	5'	5'	5'	5'	5'
Front: Same as Primary Structure	X	X	X	X	X	X	X	X	X	X	X	X
Corner Lots: <u>street</u> side: Same as Primary Structure	X	X	X	X	X	X	X	X	X	X	X	X
Distance away from any DU	60'	60'	60'	60'	5'	5'	5'	5'	5'	5'	5'	5'
<b>Minimum Setbacks (accessory buildings not requiring a building permit):</b>												
	<a href="#">See § 19.05.11</a>											

**Bulk: Width, Frontage, Height, Coverage, Dwelling Size, Open Space**

Lot Width	250'	250'	100'	100'	90'	80'	70'	60'	50'	50'	50'	50'
	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18
Lot Frontage	250'	250'	75'	75'	35'	35'	35'	35'	35'	35'	35'	35'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	40'	35'
Maximum Lot Coverage	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Minimum Dwelling Size	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	1,500 sq. ft.	1,250 sq. ft.	1,250 sq. ft.	1,250 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	800 sq. ft.	800 sq. ft.
Minimum % Open Space	None	None	None	None	15%	15%	15%	20%	20%	20%	20%	20%

*\*Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development. No development credit shall be given for sensitive lands. [Also see Chapter 19.12 for Subdivision Layout requirements](#)*

*\*\* Lot sizes shall be a minimum of the stated number but a larger size may be required as stated in the applicable zone districts.*

*F Lot sizes may be reduced as outlined in the applicable zone districts.*

*FF See applicable zone district for limitations.*

**2. Permitted and Conditional Uses by Zone-Residential:**

**1. 2.** The following table lists the Permitted and Conditional uses for the Residential 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-Residential:~~**

	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18
Agriculture	P	P	P									
Animal Hospital, Large/Large Veterinary Office	P	P										

Apiary (see §§ 19.05.08)	P	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast	C	C	C	C	C	C	C	C				
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	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>
Child Care Center	C	C	C	C	C	C	C	C	C	C	C	C
Church	C	C	C	C	C	C	C	C	C	C	C	C
Dairy	C	P										
Dwelling, Multi-Family										P	P	P
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Three-Family									P	P	P	P
Dwelling, Two-Family									P	P	P	P
Educational Center	C	C	C	C	C	C	C	C	C	C	C	C
Equestrian Center	C	C										
Farm Animals (see Section 19.05.05)	P	P	P									
Farmer's Market	C	C	C									
Golf Course	P	P	P	P	C	C	C	C				
Home Occupations	<u>See §19.08 Ch. 19.08</u>											
Kennel, Private	C	C	C									
Livestock Auction Yard	C	C										
Plant and Tree Nursery	P	C	C									
Preschool			C	C	C	C	C	C	C	C	C	C
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P
Public and private utility building or facility	C	C	C	C	C	C	C	C	C	C	C	C
Public Building or Facilities (City Owned)	C	C	C	C	C	C	C	C	C	C	C	C

	<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>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>
Public Parks, playgrounds, recreation areas, or other park improvements*	P	P	P	P	P	P	P	P	P	P	P	P
Residential Facilities for Elderly Persons	C	C	C	C	C	C	C	C	C	C	C	C
Residential Facilities for Persons with a Disability	C	C	C	C	C	C	C	C	C	C	C	C
Riding Arena (Commercial)	C	C	C									
Riding Arena (Private)	P	P	P									
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	C	C	C	C								
School, Public	C	C	C	C	C	C	C	C	C	C	C	C
Stables	P	P	C									
Temporary Sales Trailer	P	P	P	P	P	P	P	P	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>

**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. 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. Permitted and Conditional Uses by Zone-Commercial:**

2. 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:~~

**P= Permitted C= Conditional**

	<b>NC</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>ML</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>
Alcoholic Beverage, Package Agency					C				
Alcoholic Beverage, State Liquor Store					C				
Animal Hospital, Large/Large Veterinary Office	C	C	P	P					
Animal Hospital, Small/Small Veterinary Office	C	C	P	P					
Arts & Crafts Sales	C	P	P			P			
Automobile Refueling Station		C	C	C	C				
Automobile Rental & Leasing Agency			C	C	P		C		
Automobile Repair, Major				C	C		C		
Automobile Repair, Minor			C**	C	C		P		
	<u><b>NC</b></u>	<u><b>MU</b></u>	<u><b>RC*</b></u>	<u><b>OW</b></u>	<u><b>I</b></u>	<u><b>ML</b></u>	<u><b>BP</b></u>	<u><b>IC</b></u>	<u><b>PSBL</b></u>
	<u><b>NC</b></u>	<u><b>MU</b></u>	<u><b>RC*</b></u>	<u><b>OW</b></u>	<u><b>I</b></u>	<u><b>ML</b></u>	<u><b>BP</b></u>	<u><b>IC</b></u>	<u><b>PSBL</b></u>
Automobile Sales			C**		C		C		
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			C**	C	P				
Bakery, Commercial				C	C				
Bakery, Retail	P	P	P			P	C		
Bed and Breakfast		C				C			
Bookstore	P	P	P			P			
Building Material Sales (with outdoor storage)			C**	C	P		C		
Building Material Sales (without outdoor storage)			C	C	C		C		
Bus Lot									P
Car Wash (full service)			C				C <sup>A</sup>		

Car Wash (self service)			C**	C	C		€		
Child Care Center	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Churches	C	C				C		C	
Commercial & industrial laundries				C	P				
Commercial Recreation		C	C	C	C	P			
Commuter/Light Rail Station			P	P	P		C	C	
	<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>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>
Contract construction services establishments				C	P				
<b><u>Contract Services Office</u></b>				<u>P</u>	<u>P</u>				
Convenience Store		C	P	C			C <sup>E</sup>		
Convenience Store/Fast Food Combination			C**				C <sup>E</sup>		
Copy Center	C	P	P	C			C <sup>A</sup>		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P						
Dwelling, Above commercial		P	C			P			
Dwelling, Multi-Family		P				P			
Dwelling, Single-Family		P				P			
Dwelling, Three-Family		P				P			
Dwelling, Two-Family		P				P			
Educational Center	C	C	C	C				P	
Electronic Media Rental & Sales		C	P						
Electronic Sales & Repair		C	P						
Equipment Sales & Services			C		P		C <sup>A</sup>		
Financial Institution		P	P						
Fitness Center (5,000 sq. ft. or less)	P	P	P	P		P	C		
Fitness Center( 5,001 sq. ft. or larger)	C	C	C	C			P <sup>A</sup>		
Floral Sales	P	P	P			P			
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	C	C	C				C		
Grocery Store		C	P			P			

Hair Salon	P	P	P			P			
Hardware & Home Improvement Retail		C	P				P		
Home Occupations	See §Chap. 19.08	<u>See §19.08 Chap. 19.08</u>	<u>See §19.08 Chapt. 9.08</u>	<u>See §19.08 Chap. 19.08</u>	<u>See §19.08 Chap. 19.08</u>	<u>See §19.08 -</u>			
Hospital			P				C	P	
Hotels			C	C	C	C	C		
Ice Cream Parlor	P	P	P			P	C <sup>A</sup>		
Impound Yard					C				
	<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>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>
Kennel, Commercial			C	C	P				
Laundromat			C	C	C				
Library		P	P					P	
Light Manufacturing				C	C		C		
Marina						P			
Mining					C				
Mixed Use		P				P			
Neighborhood Grocery Store		P				P			
Motels			C	C	C	C	C		
Non-Depository Institutions			C						
Office, High Intensity				P	C		C		
Office, Medical and Health Care	C	C	P				P	P	
Office, Professional	C	P	P	P	C	P	P		
Pawn Shop				C	C				
Personal Service Establishment	C	C		C		C	C <sup>A</sup>		
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C				P	
Preschool	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Printing, lithography & publishing establishments				C	C		P		
Public & private utility building or facility			C	C	C	C		C	C
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	
Reception Centers	C	C	P			P	C		
Recreation Center			C		C	C			

Recreation Rentals			P			P			
Recreational Vehicle Sales			C**						
Recycling Facilities					C				
Research & Development			C	C	C		P	P	
Residential facilities for elderly persons		C				C			
Residential Facilities for Persons with a Disability		C				C			
Restaurant, Casual			P	C		C <sup>E</sup>	C <sup>E</sup>		
Restaurant, Deli	P	P	P			P	C		
Restaurant, Sit Down	P	P	P	P		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>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>
Retail Sales	P	P	P	P		P	C		
Retail, Big Box			C						
Retail, <del>Specialty</del> Specialty	P	P	P	P		P			
Retail, Tobacco Specialty Store				C	C				
School, Public									
School, Trade or Vocational				P	P		P	P	
<del>Self storage or mini storage units</del>	-	-	-	€	€	-	-	-	-
Sexually Oriented Businesses					P				
Shooting Range, indoor or outdoor				C	C				
<del>Storage, Self Storage or Mini Storage Units</del>				<u>C</u>	<u>C</u>				
<del>Storage, Outdoor</del>					<u>C</u>				
<del>Storage, Vehicle</del>					<u>C</u>				
Tattoo Parlor					C				
Temporary Sales Trailer		T							
Theater			C			C			
Transit-Oriented Development (TOD)		P				P	C		
	<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>

<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.*

(Ord. 14-13, Ord. 14-5)

#### 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.
2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Agricultural (A) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Agricultural (A) Zone.
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.
5. **Setbacks and Yard Requirements.**
  - a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
    - i. Front: 50 feet (for corner lots, this applies to both street frontages)
    - ii. Sides: 12 feet
    - iii. Rear: 25 feet
  - b. All accessory buildings requiring a building permit 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
    - iv. Minimum separation between accessory buildings used for animals and dwellings: 60 feet.

iv-c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
6. **Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least 250 feet of frontage along a public or private street.
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.
9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%.

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

(Ord. 14-13)

**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 Permitted Uses in the Residential Agricultural (RA-5) Land Use Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Residential Agricultural (RA-5) Zone.
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.
5. **Setbacks and Yard Requirements.**
  - a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
    - i. Front: fifty feet (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - b. All accessory buildings requiring a building permit 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. Front: same as principal structure
    - iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
  - c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
6. **Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least 250 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 or less if otherwise restricted by local, state or federal height restrictions.
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.

(Ord. 14-13)

#### 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 Permitted Uses in the Rural Residential (RR) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Rural Residential (RR) Zone.
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. 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 (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - c. All accessory buildings requiring a building permit 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. Front: same as principal structure
      - i. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
  - c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
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.

| (Ord. 14-13)

#### 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 Permitted Uses in the Low Density Residential (R-1) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Low Density Residential (R-1) Zone.
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. All buildings intended for occupancy or principal buildings in this zone are required to maintain minimum setbacks as follows:
    - i. Front: thirty-five feet (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - b. All accessory buildings requiring a building permit 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. Front: same as principal structure
    - iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
  - c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
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

(Ord. 14-13)

#### 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 Permitted Uses in the Low Density Residential (R-2) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Low Density Residential (R-2) Zone.
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.
    - 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.)

**5. Setbacks and Yard Requirements.**

- a. All primary and accessory buildings requiring a building permit 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
- 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 also required to maintain a five-foot minimum separation between accessory buildings and dwellings in this land use zone.
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

6. **Minimum Lot Width.** Every lot in this zone shall be at least ninety feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-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 1,500 square feet of living space above grade.
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 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.

**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.

(Ord. 14-13)

### 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 are Permitted Uses in the Low Density Residential (R-3) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Low Density Residential (R-3) Zone.
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.
    - 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.

**5. Setbacks and Yard Requirements.**

- 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
- 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 requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. Interior Sidesides: five feet
  - ii. Rear: five feet
  - iii. Corner front and street side: same as principal structure
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- ~~d.e.~~ There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-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 1,250 square feet of living space above grade.

**11. Open Space Requirement.** There shall be a minimum requirement of fifteen percent of the total project area to be installed as open 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.

**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.

(Ord. 14-13, Ord. 14-5).

**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 Permitted Uses in the Low Density Residential (R-4) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Low Density Residential (R-4) Zone.
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.
      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.

**5. Setbacks and Yard Requirements.**

- a. 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 requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. ~~Sides~~ Interior sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner front and street-side: same as principal structure
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- ~~e.~~ There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-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 1,250 square feet of living space above grade.

**11. Open Space Requirement.** There shall be a minimum requirement of fifteen percent of the total project area to be installed as open 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.

**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.

(Ord. 14-13)

**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 Permitted Uses in the Low Density Residential (R-5) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Low Density Residential (R-5) Zone.
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.

**5. Setbacks and Yard Requirements.**

- a. All principal buildings in this zone are required to maintain minimum 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
- 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 requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. ~~Sides~~ Interior side: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner street-side: same as principal structure
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- ~~e.~~ There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-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 1,250 square feet of living space above grade.

**11. Open Space Requirements.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open 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.

**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

(Ord. 14-13)

#### **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 Permitted Uses in the Medium Density Residential (R-6) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Medium Density Residential (R-6) Zone.
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.
5. **Setbacks and Yard Requirements.**
  - a. All principal buildings in this zone are required to maintain minimum 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
- 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 requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. ~~Sides~~Interior sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner street-side: same as principal structure
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- ~~d.e.~~ There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

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.
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.
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. 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.
10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,000 square feet of living space above grade.
11. **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open 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.

**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

(Ord. 14-13)

**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 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 Permitted Uses in the Medium Density Residential (R-10) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Medium Density Residential (R-10) Zone.
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.
5. **Setbacks and Yard Requirements.**
  - a. All principal buildings in this zone are required to maintain 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
- 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.
- c. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings -as follows:
  - i. ~~Sides~~Interior sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner street-side: same as principal structure
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- ~~d.e.~~ There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

- 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.
- 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.
- 8. **Maximum Building Height.** No building in this zone shall be taller than thirty-five feet.

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.
10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,000 square feet of living space above grade.
11. **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open 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.
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.

(Ord. 14-13)

**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 Permitted Uses in the High Density Residential (R-14) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the High Density Residential (R-14) Zone.
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
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 minimum 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 requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. ~~Sides~~Interior sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner street-side: same as principal structure
- e. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- e.f. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

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.
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.
8. **Maximum Height of Structures.** No building in this zone shall be taller than forty feet.
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.

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

11. **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open 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.

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.

(Ord. 14-13)

**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 Permitted Uses in the High Density Residential (R-18) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the High Density Residential (R-18) Zone.
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.

**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 minimum 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 requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. ~~Sides~~Interior sides: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner street-side: same as principal structure
- e. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
- e.f. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

- 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.

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.
8. **Maximum Height of Structures.** No building in this zone shall be taller than thirty-five feet.
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.
10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 800 square feet of living space above grade.
11. **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open 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.
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.
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.

(Ord. 14-13)

**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 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 Permitted Uses in the Neighborhood Commercial (NC) Zone.

**3. Conditional Uses.**

- a. The uses identified in 19.04.07.3 as Conditional Uses in the Neighborhood Commercial Zone.
- b. Additional standards for Conditional Uses in the Neighborhood Commercial Zone:
  - i. Drive through windows shall in no case be allowed in the Neighborhood Commercial 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. All structures in this zone are required to maintain minimum 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

(Ord. 14-13)

## **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 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 Permitted Uses in the Mixed Use Zone.

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

### **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 5,000square 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. All buildings in this zone are required to maintain minimum 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
- 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.
- 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.** 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.

(Ord. 14-13)

**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 Permitted Uses in the Regional Commercial (RC) Zone.
3. **Conditional Uses.** The uses identified in the table in 19.04.07.3 as Conditional Uses in the Regional Commercial (RC) Zone allows the Conditional Uses with some uses as identified in the table only permitted outside the Gateway Area.
4. **Minimum Lot Size.** Minimum lot size for all uses is 20,000 square feet.
5. **Setbacks and Yard Requirements.**
  - a. All buildings in this zone are required to maintain minimum 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.
    - 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.
    - 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.
    - 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.
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 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 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.

(Ord. 14-13)

**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 Permitted Uses in the Office Warehouse Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Office Warehouse Zone.
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. All buildings in this zone are required to maintain minimum 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..
    - 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.

- 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.

(Ord. 14-13)

#### 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 Permitted Uses in the Industrial Zone.
3. **Conditional Uses.** The Industrial Zone allows the Conditional Uses ~~uses~~ identified in 19.04.07.3.
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.
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.
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 minimum 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.

- 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.
- 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.

(Ord. 14-13)

**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 listed in 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 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.

**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.

**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 minimum 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 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.

(Ord. 14-13)

## 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.

### 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.

### 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.

### 5. Setbacks and Yard Requirements.

- a. All buildings in this zone, including accessory buildings, are required to maintain minimum setbacks as follows:
  - i. **Front:** 50 feet.
  - 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.

- 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.
- 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.

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 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. **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.

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.

**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.

**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.

**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.

**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.

(Ord. 14-13)

**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.

**3. Conditional Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Institutional/Civic Zone.

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

**5. Setbacks and Yard Requirements.**

- a. All buildings in this zone, including accessory buildings, are required to maintain minimum setbacks as follows:
  - i. **Front:** 30 feet.
  - ii. **Sides:** 30 feet when adjacent to a residential zone; 20 feet when adjacent to all other zones. 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. In the event that the rear of the building faces an arterial or collector street, there shall be a rear setback of 30 feet.
  - 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.
  - 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.

(Ord. 14-13)

#### **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.

3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Public School Bus Lot Zone.

4. **Minimum Lot Sizes.** The minimum lot size requirement for development in this zone is 10 acres.

5. **Setbacks/Yard Requirements.** All buildings in this zone, including accessory buildings, are required to maintain minimum 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.

(Ord. 14-13,

## **Chapter 19.05. Supplementary Regulations.**

### **Sections:**

- 19.05.01. Purpose.**
- 19.05.02. General Supplemental Regulations.**
- 19.05.03. Wireless Telecommunication Equipment.**
- 19.05.04. Non-Depository Institution.**
- 19.05.05. Farm Animals in the A, RA-5, and RR Zones.**
- 19.05.06. Keeping Chickens in the R-2 and R-3 Zones.**
- 19.05.07. Outdoor Vending Machines.**
- 19.05.08. Beekeeping.**
- 19.05.09. Residential Facilities for Persons with a Disability.**
- 19.05.10. Temporary Uses.**
- 19.05.11. Accessory Buildings.**

### **19.05.01. Purpose.**

The purpose of this Chapter is to establish supplemental land development standards that are applicable to all or specified zones in the City of Saratoga Springs. The requirements of this Chapter shall be in addition to the specific standards set forth within each of the specific zones. If any of the provisions contained herein conflict with the provisions applicable to each specific zone, the more restrictive provision shall govern.

### **19.05.02. General Supplemental Regulations.**

1. **Semi-Private Recreation Clubs.** The Planning Commission may permit, as a Conditional Use, the use of land in any zone for semi-private swimming clubs, tennis courts, or other recreational facilities providing that in all such cases, the following conditions are met:
  - a. the facilities shall be owned and maintained by the members; and
  - b. a minimum of seventy-five percent of the membership must be residents of the neighborhood or section of the subdivision.
2. **Yard Space, Open Space, Setbacks, and Other Requirements for One Building Only.** Required yards or open space around an existing building shall not be considered as providing yard or open space for any other building for the purpose of complying with the provisions of this Title. In addition, yards or other open space on an adjoining lot shall not be considered as providing a yard or open space on a lot whereon a building is to be erected or established. Areas needed to meet the width, depth, yard, area, parking, or other requirements of this Title for a lot or building may not be sold or leased away from such lot or building.

3. **Every Dwelling on a Lot.** Every dwelling structure shall be located and maintained on a separate lot or parcel having no less than the minimum area, width, depth, and frontage required by this Title for the zone in which the dwelling structure is located, except that group dwelling complexes or other more flexible requirements as permitted by this Title, may vary from this requirement.
  - a. Lots or parcels for which a development permit has been issued or for which a subdivision has received preliminary plat approval, and for which on-site development activity has begun, may no longer obtain a building permit for a dwelling based upon the original lot.
  - b. Lots or parcels for which preliminary plat approval has been given, but which development permit has either expired or been vacated by request of the property owner, may again obtain a building permit for the original lot.
4. **Lot Standards.** Except as otherwise provided in this Title, every lot within the City shall have such area and the required frontage upon a dedicated public or approved private street, as is required in this Title, before a building permit may be issued.
5. **Exceptions to Building Height Limitations.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, fire, or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, theater lofts, silos, solar collectors, solar louvers and reflectors, or similar structures may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for purposes of providing additional floor space, nor shall it provide for human occupancy.
6. **Approval of Culinary Water Supply and Sewage Disposal Required.** Where either a supply of piped water under pressure, approved for use by the City, or a connection to an approved sanitary sewer system is not available, no building permit shall be issued until the proposed plan for sewage disposal and the proposed source of water supply has been approved by the City of Saratoga Springs and County Health Department.
7. **No Building in Flood Plain.** No building, structure, fence, or other obstruction may be constructed within any portion of Zone A as defined on the FEMA Flood Insurance Map.
8. **Effect of Transportation Master Plan on Location of Structures.** No building lot shall be created and no structure shall be erected within the location of a proposed street, road, highway, or right-of-way as shown on the City's currently-approved Transportation Master Plan.
9. **Location of Agricultural Accessory Structures.** Except as otherwise provided in Title 19, no barn, silo, equipment shed, storage building, or similar accessory building to an agricultural use of land may be constructed or relocated closer than ten feet to any side or rear boundary line or closer than 100 feet to any public street or any dwelling on adjacent properties. Reductions to the 100 foot requirement may be granted by the Planning Commission on a case-by-case basis through a conditional use permit using the process and criteria outlined in Chapter 19.15.

10. **Minimum Height of Dwellings.** In those zones allowing dwellings, no dwelling shall be erected where more than ten percent of its main floor area is, or will be, below the finished surface grade. No basement houses shall be permitted.
11. **Property Access Requirements.** No building permit shall be issued for a building that is to be constructed on a lot or parcel that does not either abut a dedicated public street or highway or a private roadway to allow for police, fire, and emergency services.
12. **Height of Accessory Buildings.** In all zones except for the A, RA-5, and RR zones, no accessory building shall be taller than any main structure or dwelling.
13. **Substandard Lots.** The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the use of a single-family dwelling on any lot or parcel of land in the event that such lot has been held in separate ownership since adoption of these regulations and meets the definition of nonconforming use or structure in the Utah Code.
14. **Swimming Pool (private).** Private swimming pools may be allowed in any residential zone as an accessory use if the following requirements are met:
  - a. it is an accessory use in a residential zone and is located within a side or rear yard;
  - b. it is intended and is to be used solely for the enjoyment of the occupants and guests of dwelling or dwellings on the property on which it is located;
  - c. it may not be located closer than five feet to any property line of the property on which it is located;
  - d. shall not be located within any public utility easement;
  - e. the swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. Where a swimming pool is located less than thirty feet from any property line, the pool shall be enclosed within a view obstructing wall or fence not less than six feet in height. Vegetation on or near a fence or wall shall not be considered view obstructing. All gates on said fences shall be fitted with a latching device located on the interior side of the gate;
  - f. where a swimming pool is completely enclosed in a building, the location requirements for accessory and main buildings shall apply. Where a swimming pool is to be located in the near vicinity of any septic tank or sewage disposal drain field, the location must be approved by the Utah County Health Department; and
  - g. any pool lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents.
15. **Sports Court (private).** No sports court shall be allowed in any zone except as an accessory use and unless it complies with the following conditions and requirements:
  - a. it is an accessory use to a main building and is located within the side or rear yard thereof;
  - b. it is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
  - c. it may not be located closer than five feet to any property line of the property on which it is located;

- d. in a corner lot where the rear lot line is coterminous with a side lot line of an adjoining lot, it shall be located not less than twenty feet from such lot line;
- e. any court lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents; and
- f. the hours of operation shall be from 8:00 a.m. to 10:00 p.m.

16. **Skateboard Ramp (private).** No skateboard ramp shall be allowed in any zone in the City except as an accessory use and unless it complies with the following conditions and requirements:

- a. it is an accessory use to a main building and is located within the side or rear yard thereof;
- b. it is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located. No commercial or advertised use of the ramp shall be permitted and no donations or contributions shall be solicited or received for use of or attendance at ramp activities;
- c. it may not be located closer than twenty feet to any property line of the property on which it is located. It shall be not less than thirty feet from any neighbor's dwelling or twenty feet from any side lot line of any adjacent vacant lot;
- d. on a corner lot where the rear lot line is coterminous with a side lot line of an adjacent lot, it shall be located not less than twenty feet from such lot line;
- e. the hours of operation shall be from 8:00 a.m. to 10:00 p.m.;
- f. ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents;
- g. the ramp shall be of such a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with ramp usage. Portions of the ramp may be located below ground level, but in no case shall any portion of the ramp exceed six feet in height above ground level, excluding handrails. The ramp shall comply with all pertinent sections of the Building Code and all land use requirements of accessory structures and a building permit shall be obtained; and
- h. the ramp must be inside an enclosure or within an enclosed yard.

17. **Private Spas.** A private spa is an accessory use to a main building and shall be located within the side or rear yard thereof.

**18. Structure located within a Public Utility Easement.** On a case by case basis the City Engineer, City Building Official, and Planning Director may consider allowing a permanent structure within a public utility easement. This applies to buildings and structures requiring a building permit according to the International Building Code, and in-ground construction such as pools. The applicant will be required to obtain a waiver letter from each affected utility company including the City of Saratoga Springs. The applicant will also be required to sign a deed restriction/affidavit form which indicates that these restrictions run with the land. This document will be recorded prior to City approval and issuance of a building permit.

18-a. Structures not requiring a building permit according to the International Building Code are subject to the requirements of Section 19.05.11.

19. **Model Homes.** Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer. Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

**19.05.11. Accessory Buildings in Residential Development.**

Accessory buildings may be placed on residential lots subject to the standards in the applicable zone districts as outlined in Chapter 19.04, and the standards of this section.

1. Accessory buildings requiring a building permit according to the International Building Code:
  - a. shall meet the accessory building setbacks identified in the applicable zone district, and
  - b. shall not occupy more than 30% of any side or rear yard, subject to the lot coverage limitations of the applicable zone district.
  
2. Accessory buildings not requiring a building permit according to the International Building Code shall not be required to meet interior side yard and rear yard setbacks, and street-side yard setbacks for corner lots where the rear property line abuts the rear property line of the adjacent lot. If placed within the setback, such buildings:
  - a. are placed at the property owners' risk per Utah Code Chapter 54-3; and
  - b. may be placed on a slab but shall have no footings; and
  - c. shall have a maximum height of ten feet, as measured from the finished grade of the surface directly beneath the building to the highest point of the building roof; and
  - d. shall be of color and construction compatible with the primary structure; and
  - e. shall not have openings facing adjoining properties; and
  - f. shall have minimum one-hour fire rated construction for surfaces facing adjoining properties; and
  - g. shall not be used for the housing of animals or birds; and
  - h. shall not drain onto adjacent properties or onto public property; and
  - i. shall not be located in a required clear view triangle as outlined in Section 19.06; and
  - j. shall have a minimum twenty foot driveway if housing a car, truck, RV, or other automobile.
  - k. shall be regularly maintained in a clean and well-kept manner, and
    - l. if within the street side-yard setback, shall not have openings facing the street side property line.

## Chapter 19.06. Landscaping and Fencing.

### Sections:

- 19.06.01. Purpose.
- 19.06.02. Required Landscaping Improvements.
- 19.06.03. General Provisions.
- 19.06.04. Landscaping Plan.
- 19.06.05. Completion of Landscape Improvements; Adequate Assurances.
- 19.06.06. Planting Standards and Design Requirements.
- 19.06.07. Amount of Required Landscaping.
- 19.06.08. Additional Landscaping Requirements.
- 19.06.09. Screening and Fencing Requirements and Restrictions.
- 19.06.10. Screening at Boundaries of Residential Zones.
- 19.06.11. Clear Sight Triangle.

### 19.06.01. Purpose.

This chapter promotes the health, safety, and general welfare of the public by enhancing aesthetic features of the City, providing adequate spaces and vegetation for outdoor and recreational opportunities, protecting property values, lowering heating and cooling costs of structures, trapping and filtering dust and pollutants, reducing soil erosion, improving air quality, and reducing damaging winds. Additionally, landscaping and fencing are encouraged when used as buffers and screens against undesirable views.

### 19.06.02. Required Landscaping Improvements.

Landscape and fencing requirements of this Chapter shall apply to all new landscaped areas. ~~by constructed structures and any structure that has been expanded.~~

### 19.06.03. General Provisions.

1. Park strips shall be landscaped and maintained by the property owner who abuts the park strip.
2. ~~Automated~~ water-conserving irrigation systems, including low-flow sprinkler heads and rain sensors, shall be required for all new landscaping in nonresidential and multi-family development and for all irrigated open space.
3. All landscaped areas shall be maintained by watering, weed removal, lawn mowing, or any other activity required to maintain healthy and well-manicured landscaping.
4. Trees which project over any sidewalk shall be pruned clear of all branches between ground and a height of eight feet for that portion of the plant located over the sidewalk.
5. Landscaping and fencing shall maintain a clear sight triangle as specified in Section 19.06.11.

6. All refuse areas shall be screened by approved fencing materials.

~~7. Tree replacement for nonresidential uses shall be required whenever existing mature trees are proposed to be removed on a project site. Tree removal and replacement shall only be allowed after approval by the City Staff as appointed by the City Manager.~~

#### **19.06.04. Landscaping Plan.**

Those required by this Chapter to make landscaping improvements shall submit a landscaping plan prepared by a licensed landscape architect to meet the minimum landscape requirements outlined herein. All single-family residential structures shall be exempt from preparing and submitting a landscape plan, however, single-family residential structures must comply with the single-family specific requirements in this Chapter. The City staff will review the submitted landscaping plan for compliance with this Chapter and forward the plan to the City Council for review and action concurrent with Site Plans and Subdivision Plats. The landscaping plan shall include, at a minimum, the following information:

1. Existing conditions: the location and dimension of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting;
2. planting plan: location and planting details for all proposed vegetation and materials. The proposed plan must indicate the size of the plant material at maturation. All existing vegetation that is to be removed or remain on the site must be clearly identified;
- ~~2.3. planting schedule: the name (both botanical and common name), ~~location,~~ quantity, and size of all existing and proposed plants. ~~The proposed plan must indicate the size of the plant material at maturation. All existing vegetation that is to be removed or remain on the site must be clearly identified;~~~~
- ~~3.4. topography: existing and proposed grading of the site indicating contours at two feet intervals;~~
- ~~4.5. irrigation: plans showing the irrigation system plans showing the system layout and details;~~
- ~~5.6. fencing: location, style, and details for proposed and existing fences and identification of the fencing materials; and~~
- ~~6.7. a summary data table: table including the total number of each plant type, and total square footage and percentage of landscaped areas, domestic turf grasses, decorative rock, mulch, bark, and drought tolerant plant species; ~~and,~~~~
- ~~7. the estimated cost of all the improvements.~~

#### **19.06.05. Completion of Landscape Improvements; Adequate Assurances.**

All required landscaping improvements shall be completed in accordance with the approved Site Plan, subdivision plat, landscaping planting plan, and irrigation plan prior to the issuance of a Certificate of

Occupancy for ~~the any~~ building. Exceptions may be permitted and Certificates of Occupancy issued where weather conditions prohibit the completion of approved and required landscaping improvements. In such cases, an extension period no longer than six months may be granted so long as a performance bond for no less than 115% of the total estimated value of the landscaping is posted and a performance bond agreement is entered into in accordance with Section 19.12.05 to ensure the landscaping improvements are installed in accordance with this Chapter, City ordinances and standards, and approved site and landscaping plans. In all cases, landscaping improvements shall be guaranteed for a period of 1 year after final acceptance by posting a warranty bond and entering into a warranty bond agreement in accordance with Section 19.12.05.

#### **19.06.06. Planting Standards and Design Requirements.**

1. The planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.
2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured at the diameter at breast height (DBH):
  - a. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of ~~two-two and a half (22.5)~~ inches in caliper.
  - b. **Evergreen Trees.** All evergreen trees shall have a minimum size of 6 feet in height.
  - c. **Ornamental Trees.** All ornamental trees shall have a minimum trunk size of one and a half (1.5) inches in caliper.
  - d. **Shrubs.** ~~All shrubs shall have a minimum height or spread of eighteen inches size of one gallon.~~ At least 25% of the required shrubs shall be a minimum of 5 gallons in size at time of installation; all other required shrubs shall be a minimum of 1 gallon in size.
  - e. **Turf.** No landscaping shall be composed of more than seventy percent turf.
  - f. **Drought Tolerant Plants.** Fifty percent of all trees and shrubs species shall be required to be drought tolerant.
  - g. **Rock:** rock may be utilized up to the maximum percentage specified in Section 19.06.07, subject to the following requirements:
    - i. a minimum of two separate colors, and a minimum of two different sizes shall be used;
    - ii. rock shall provide contrasting color to pavement and other hard surfaces within the property, and all colors used shall be earth tones; and
    - iii. no rock shall be placed in an area at the base of the plant equal in size to the predicted canopy of shrubs and trees at maturity and shall instead be covered with wood chips, mulch, bark, or other non-rock cover.
  - g.h. **Planting and Shrub Beds.** Planting and shrub beds may be used to satisfy up to the percentage of the total required landscaping as specified in the ~~chart in~~ Section 19.06.07. In addition to the required plants in the chart, planting and shrub beds must meet the following requirements:
    - i. high-quality weed barrier is used;

- ~~ii.~~ ii. high quality materials such as wood chips, wood mulch, ground cover, decorative or lava rock, landscaping rocks, or similar materials are used, and materials must be heavy enough to not blow away in the wind;
- ~~ii.iii.~~ iii. edging is used to separate lawns from beds, and all areas except residential must use concrete edging for durability;
- ~~iii.~~ iii. ~~40% of the plants must be trees.~~
- ~~iv.~~ iv. ~~For trees, sufficient trees must be installed so that no more less than 4 feet of space in each direction occurs between the canopy of each tree at maturity. For all other plants, sufficient plants must be placed to ensure that no more than 2 feet of space in each direction between each plant at maturity; and~~
- iv. drip lines are used for irrigation.

3. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:
- a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
  - b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
  - c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
  - d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
  - e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees and the use of secondary water where available.
  - f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
  - g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
  - g.h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4") in caliper, shall be identified on the landscape plan and preserved if possible. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
  - ~~h.i.~~ h.i. **Berming.** Berming is encouraged as a screen or buffer between opposing land uses.
  - ~~i.j.~~ i.j. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.
4. No trees shall be planted directly under or in close proximity to power lines, poles, or structures unless:

- a. the City Council gives its approval;
- b. the power company or owner of the power line gives written consent; and
- c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

**19.06.07. Amount of Required Landscaping.**

- 1. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped in all land use zones.
- ~~1.2.~~ Single-family residential lots shall be required to landscape per Section 19.06.08. At least 25% of the landscaped area shall be covered with live vegetation.
- ~~2.3.~~ The Multi-family, improved open space, and nonresidential development in the R-6, R-10, R-14, R-18, NC, MU, RC, OW, I, ML, BP, IC, PSBL Zones shall be required to adhere to the minimum landscaped standards contained in the table below.
- ~~3.4.~~ The City Council shall have authority to adjust these standards as circumstances dictate.

<u>Required Landscaped Area</u> <sup>1</sup>	<u>Minimum Deciduous Trees</u> <sup>3</sup>	<u>Minimum Evergreen Trees</u> <sup>3</sup>	<u>Minimum Shrubs</u>	<u>Minimum Percentage of Required Turf</u>	<u>Percentage of Required Planting and Shrub Beds</u>
< than 1,000	1	1	<del>5</del> <u>7</u>	0 % <sup>2</sup>	Up to 100%
1,001 - 3,000	<del>2</del> <u>3</u>	1	<del>7</del> <u>10</u>	0 % <sup>2</sup>	Up to 100%
3,001 - 5,000	<del>4</del> <u>5</u>	2	<del>9</del> <u>13</u>	0 % <sup>2</sup>	Up to 100%
5,001 - 7,000	<del>4</del> <u>5</u>	3	<del>11</del> <u>14</u>	<del>50</del> <u>35</u> %	Not more than <del>50</del> <u>65</u> %
7,001 - 9,000	<del>5</del> <u>6</u>	3	<del>13</del> <u>17</u>	<del>50</del> <u>35</u> %	Not more than <del>50</del> <u>65</u> %
9,001 - 11,000	<del>5</del> <u>6</u>	4	<del>15</del> <u>19</u>	<del>50</del> <u>35</u> %	Not more than <del>50</del> <u>65</u> %
11,001 - 13,000	<del>5</del> <u>6</u>	4	<del>17</del> <u>22</u>	<del>50</del> <u>35</u> %	Not more than <del>50</del> <u>65</u> %
13,001 - 15,000	<del>6</del> <u>7</u>	5	<del>19</del> <u>25</u>	<del>50</del> <u>35</u> %	Not more than <del>50</del> <u>65</u> %
<u>15,001 &gt;</u>	<u>7 + 1 per additional 3000 sq.ft.</u>	<u>5 + 1 per additional 3000 sq.ft.</u>	<u>1925 + 1 per additional 3000 sq.ft.</u>	<u>25%</u>	<u>Not more than 75%</u>

<sup>1</sup>Areas are measured in square feet. Parking lot landscaping islands may have different standards and are found in Chapter 19.09.

<sup>2</sup>The City Council may require a certain percentage of turf on a case-by-case basis.

<sup>3</sup>This number shall be increased per the requirements of Section 19.06.06 above.

(Ord. 14-1)

**19.06.08. Additional Landscaping Requirements.**

- 1. All residential lots shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
  - a. receiving a Certificate of Occupancy; or
  - b. once ownership is established by the current owner.

2. Park strips.

- a. Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project, and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, drought tolerant plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of the area shall contain plantings.
- b. Weeds, dead vegetation, fruit trees including crabapples, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.
- c. Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

3. Parking Lots.

- e-a. Parking areas have additional landscaping standards outlined in Chapter 19.09.

**19.06.09. Screening and Fencing Requirements and Restrictions.**

This Section outlines provisions that govern the heights of screening and fencing.

1. **Front yards:** ~~Fences~~ fences exceeding three feet in height ~~may~~ shall not be erected in any front yard space of any residential lot.
2. **Retaining walls:** ~~For~~ for construction of all retaining walls, a building permit must be obtained. Where there is a difference in elevation on opposite sides of the fence, the height of the fence shall be measured from the highest elevation. Approval of fences over six feet in height will be determined on a case-by-case basis by the City Council for all new developments if fencing is proposed during the subdivision review process, or by the Planning Director for all developments that have received final approval; however, in no case will a fence be allowed to exceed eight feet in height. The following criteria shall be applied in making this determination:
  - a. compatibility with fences of surrounding uses;
  - b. quality of proposed materials;
  - c. aesthetics of proposed materials;
  - d. requirements of applicable development agreements;
  - e. intensity of existing surrounding uses; and
  - f. applicable conditions of approval.
3. **Prohibited styles:** ~~No~~ no barbed wire, chain link, razor, or wire (agricultural, electric, chicken wire, mesh wire, hog fencing, etc.) fences shall be allowed. This does not apply to chain link or wire fences if the fence: (1) is not being used to delineate lot boundaries; and (2) is used for keeping of animals. This Section also does not apply in the A, RA-5, and RR zones.
4. **Double frontages:** ~~Where~~ where lots have ~~double~~ frontages onto more than one street, that area designated by the property owner as the rear yard may have a solid or view obstructing fence, wall, or hedge not exceeding six feet in height. Where the double frontage lot is also a corner lot

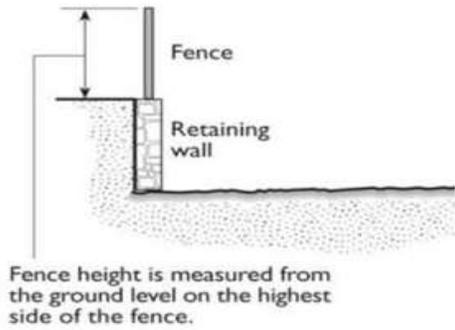
(three frontages), clear sight across corner property shall be required and enforced. See Section 19.06.11, Clear Sight Triangles.

5. **Non-residential and Multi-family: Fencing-fencing** and other screening materials for multi-family, residential, commercial, or industrial projects must receive approval by the City Council through the Site Plan review process. See Chapter 19.13 for Site Plan review requirements. In addition, the following criteria shall be applied:
  - a. compatibility with fences of surrounding uses;
  - b. quality of proposed materials;
  - c. aesthetics of proposed materials;
  - d. requirements of applicable development agreements;
  - e. intensity of existing surrounding uses; and
  - f. applicable conditions of approval.
  
6. **Required fencing: Fencing-fencing** shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties. In an effort to promote safety for citizens using these trail corridors and security for home-owners, fences shall be semi-private.
  - a. Fencing along open space, parks, trails, and easement corridors may be less than six feet in height but shall not be less than three feet in height, at the discretion of the property owner.

#### **19.06.10. Screening at Boundaries of Residential Zones.**

This Section outlines provisions that shall govern the heights of screening and fencing for commercial, mixed use, and industrial developments that abut residential zones.

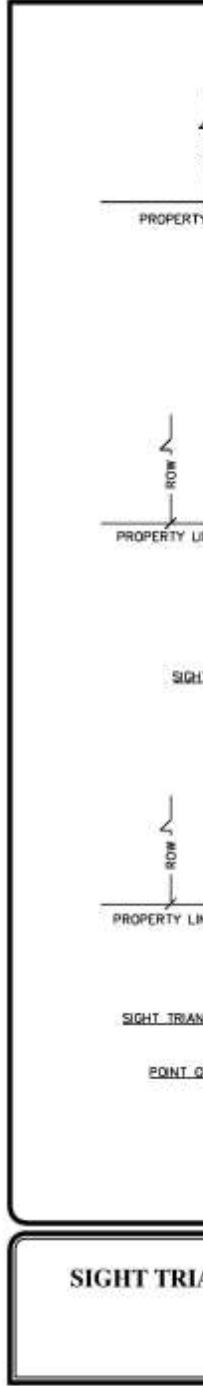
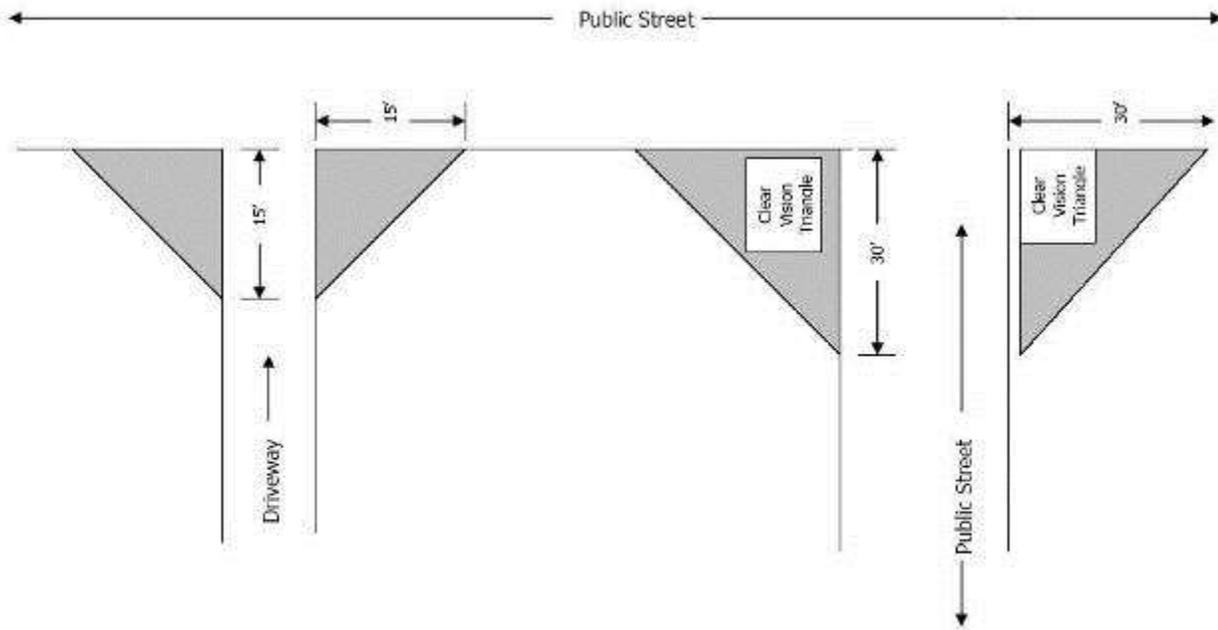
1. For commercial, mixed use, and industrial developments abutting residential zones an opaque fence or wall shall be installed and maintained along lot lines.
  
- ~~1.2.~~ For residential developments abutting active agricultural property or operations, a solid fence or wall shall be installed and maintained along the abutting property line.
  
- ~~2.3.~~ The opaque fence shall be a minimum of six feet in height but not more than eight feet. A lower height fence may be required adjacent to a front property line for sight distance and traffic safety (see Section 19.06.08). Walls above six feet shall first be reviewed and approved by the City Council during site plan review. In determining the specific height of the fence, the following criteria shall be applied:
  - a. compatibility with fences or walls of surrounding uses;
  - b. aesthetics of proposed materials;
  - c. requirements of applicable development agreements;
  - d. intensity of existing surrounding uses; and
  - e. applicable conditions of approval
  
- ~~3.4.~~ Where there is a difference in elevation on opposite sides of the fence, the height of the required fence shall be measured from the highest elevation. ~~;~~



#### 19.06.11. Clear Sight Triangle.

At all intersections of streets, driveways, or sidewalks, all landscaping, berms, and fencing shall be limited to a height of not more than three feet, and the grade at such intersections shall not be bermed or raised, for a distance of thirty-two feet back from ~~intersections~~ the point of curvature of curved the ROWs or thirty feet back from the intersection of straight ROWs, and fifteen feet back from edge of driveways to allow for clear sight as shown in the graphic below.

Clear Sight Triangle:



**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.

**19.09.08. Landscaping in Parking Areas.**

~~The~~ In addition to the planting standards in Chapter 19.06, the following requirements shall apply to all landscaping of off-street parking areas:

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.
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.
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.
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.
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.
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.
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.

**19.09.11. 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%.

Use	<u>Parking Requirement</u>
Agriculture	To be determined by the Planning Commission (See 19.09.05(6))
Alcoholic Beverage, Package Agency	<u>1.5 stalls per person employed on highest employee shift</u>
Alcoholic Beverage, State Liquor Store	<u>4 stalls per 1000 sq. ft.</u>
Animal Hospital, Large/Large Veterinary Office	<u>4 stalls per 1000 sq.ft.</u>
Animal Hospital, small / Small Veterinary Office	<u>4 stalls per 1000 sq. ft.</u>
Arts and Crafts Sales	<u>4 stalls per 1000 sq. ft.</u>
Automobile Refueling Station	<u>1 stall per 100 sq. ft.</u>
Automobile Rental & Leasing Agency	<u>4 stalls per 1000 sq. ft. of office space</u>
Automobile Repair, Major	<u>3 stalls for every bay plus 1 stall per person employed on highest employee shift</u>

## Chapter 19.11. Lighting

### Sections:

#### 19.11.01. Purpose.

#### 19.11.02. Applicability.

#### 19.11.03. Definitions.

#### 19.11.04. Temporary Lighting.

#### 19.11.05. Lighting Standards and Design Requirements.

#### 19.11.06. Lighting Plan.

#### 19.11.07. Other Prohibited Lighting.

#### 19.11.08. Maintenance of Nonconforming Lighting.

#### 19.11.01. Purpose.

1. These provisions are intended to ensure a high quality and sustainable environment in the City, through the application of minimum standards for and limitations on artificial lighting and glare, while protecting the public health, safety, and general welfare.
2. These lighting standards are also intended to control the use of outdoor artificial lighting and illumination to:
  - a. Protect drivers, residents, and pedestrians from the glare of non-vehicular light sources; and
  - b. Promote energy-efficient lighting design and operation; and
  - c. Protect and retain the intended visual character of the City; and
  - d. Minimize detrimental effects on the community character; and
  - e. Prevent undesirable light rays from intruding on private properties; and
  - f. Allow reasonable enjoyment of adjacent and nearby property by their owners and occupants; and
  - g. Increase nighttime safety, utility, security, and productivity.

#### 19.11.02. Applicability.

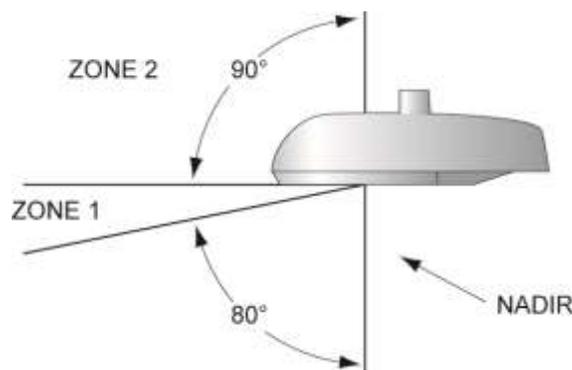
1. Conformance required: this section applies to all new development in the City unless otherwise exempted in this Title, expansions to previously existing development in the City, and uses proposed to operate during hours of darkness.
2. Exemptions: the following uses shall be exempt from the requirements of this section:
  - a. Agricultural Use: this regulation shall not be used to regulate any operational aspect of an agricultural use, including the cultivation and harvesting of crops, land management activities (controlled burning, clearing, spraying, trimming), livestock management, hunting, or use and application of water. This ordinance shall apply to the installation of new permanent lighting fixtures on building and structures.
  - b. Emergency Lighting: all temporary emergency lighting needed by the police, fire department, or other emergency services.
  - c. Vehicular lighting: lighting required by law to be installed on motor vehicles.

- d. Aircraft lighting: lighting required for the safe operation of aircraft.
- e. Construction lighting: construction lighting during the period of construction for which a development permit has been issued is exempt, provided such lighting is temporary and discontinued immediately upon completion of the construction work; also outdoor lighting employed during emergency night-time repair of roads and utilities.
- f. Existing nonconforming lighting fixtures: all outdoor light fixtures lawfully installed prior to the adoption of this section, except that the subject lighting fixtures shall conform to the hours of operation.
- g. Decorative holiday lighting.

### **19.11.03. Definitions.**

As used in these regulations, the following terms shall be defined as follows:

1. **Building Lighting** – lighting cast onto the walls of a building or structure.
2. **Business** – A person, partnership, corporation, or organization engaged in commerce, manufacturing, or a service; profit and non-profit seeking enterprise or concern; charitable organization. The definition is intended to be broadly construed.
3. **Digital Sign** – Cathode ray tube (CRT), flat panel liquid-crystal display (LCD), LED, plasma, aerial imaging, projector or other electronic device that electronically provides signage.
4. **Direct Light** – Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens of a lighting fixture.
5. **Fixture** – See “Lighting, Fixture”
6. **Fixture Height** – The location of the fixture as measured from the grade directly below the fixture to the top of the fixture.
7. **Foot-candle (fc)** – A unit of light measurement equal to one lumen per square foot.
8. **Full Cutoff** – Describes a lighting distribution where no light is allowed to emit from a light source at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the lighting source, with no more than 10% of the light penetrating zone 1, and no light penetrating zone 2, as shown in Exhibit 1. A full cutoff lighting fixture is also fully shielded.



## **Exhibit 1**

9. **Fully Shielded** – A lighting fixture constructed in such a manner that all light emitted by the source, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the lighting fixture, is projected below the horizontal plane, and where the lamp is not visible to the eye from a distance of 100 feet. A fully shielded fixture is not necessarily full cutoff.
10. **Glare** – Light emitting from a light source with intensity great enough to cause loss in visual performance or annoyance, so as to jeopardize health, safety, or welfare.
11. **Hazard to Air Navigation** – An obstruction or light source determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
12. **Intermittent Lighting** – Lighting that does not remain on for more than ten minutes at a time.
13. **Lamp** – A bulb, globe, LED, cathode, beacon, or other source of light.
14. **Lighting Assembly** – A complete structure consisting of a fixture and lamp or lamps together with the parts designed to distribute the light, to support the lamps, to position and protect the lamps, to attach the lamps to the ground or to a structure, and to connect the lamps to a power supply.
15. **Lighting Fixture** – Luminaire, typically the housing, shade, and bulb portion of a lighting assembly
16. **Lumen** – A unit of measure for the brilliance of light source. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.
17. **Nadir** – The direction pointing vertically down from the lowest light emitting part of the lighting fixture (see Exhibit 1 for an example).
18. **Nonconforming Lighting** – Any lighting that does not comply with the provisions of this Ordinance or with the provisions of any other applicable regulations of the City, but was lawfully pre-existing as of the effective date of this Ordinance or other applicable regulations.
19. **Outdoor Lighting** – Illumination of an outside area or object by any manmade device.
20. **Sport Lighting** – Lighting with the sole purpose of lighting a public sports field, court, or stadium during sporting events and training.
21. **Temporary Outdoor Lighting** – Lighting allowed as specified in an approved temporary permit pursuant to the requirements of this Chapter.
22. **Trespass Lighting** – Light emitted by a lighting fixture which is cast outside the boundaries of the property on which the lighting fixture is sited.

23. Walkway Lighting – Light which is intended to specifically illuminate a walkway or path, and does not include light that reaches a walkway from another source, such as a parking lot or street light.

#### **19.11.04 Temporary Lighting:**

Any individual may submit a written request to the Planning Director for temporary lighting and obtain a temporary electrical permit for such lighting subject to the standards below.

1. The permit may allow temporary lighting for a period not to exceed ninety consecutive days, with at least ninety days passing before another temporary electrical permit may be issued for that same property.
2. The total period of all such permits issued for a single property may not exceed ninety days in any year.
3. The ability to acquire a temporary permit shall not in any way annul or eliminate any requirement to apply for and receive other permits or approvals which may be required by the City, or other applicable jurisdiction(s).
4. The request for temporary lighting must contain the following information in addition to information required to obtain a temporary electrical permit:
  - a. Proposed use, purpose and location of the outdoor light requested.
  - b. A written explanation of why compliance cannot be achieved.
  - c. Type of lamp(s) to be used, including manufacturer's part number and initial lumens.
  - d. Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in (ISO) foot-candle diagrams.
  - e. Starting and ending dates for temporary lighting use and identification of all prior temporary lighting permits requested or approved for the subject property
  - f. Contact information including name of applicant, affiliation (if applicable), address and telephone number.
  - g. Such other information the Planning Director may require.
5. A permit application may be denied if it is determined that the nature, location, orientation, scale, length, intensity or other characteristic of such proposed temporary lighting will create a safety hazard, distraction to drivers, or otherwise have a negative impact on the public welfare.
6. All temporary lighting proposed under this Ordinance shall to the maximum extent practical, limit the scale of proposed temporary exemptions (lumens, trespass, hours, etc.). In taking action on any such application, the Planning Director or his/her agent may deny in whole or in part, specific proposed elements of the proposal, or impose conditions and/or modifications in order to mitigate, reduce or eliminate potential negative impacts on the public health, safety or general welfare.

## **19.11.05. Lighting Standards and Design Requirements.**

The use of any materials or methods of installation not specifically described in this Section are prohibited.

### **1. General Standards:** the standards below shall apply to all new lighting:

- a. Material: all lighting fixtures and assemblies shall be metal.
- b. Base: all lighting poles shall have a decorative base with a minimum height of sixteen inches, installed so as to conceal bolts, wires, and other structural attachments.
- c. Type: all lighting fixtures shall be of the full cutoff variety, where no more than 10% of the total lumen output of the fixture will come out at 90° above the horizontal plane of the fixture from nadir. The fixture must shield the lamp in such a way that there will be total cutoff when viewed from 100' or more from the light source.
  - i. Shoebox fixtures are prohibited.
- d. Angle: all fixtures, except any lighting specifically exempted in this Chapter, shall be directed downward.
  - i. For the lighting of predominately horizontal surfaces, fixtures shall be installed and aimed straight downward.
  - ii. For the lighting of predominately vertical surfaces, fixtures shall be installed and aimed downward in such a manner that light is not cast past the surface being illuminated, into the windows of neighboring residences, onto adjacent uses, onto public roadways, or skyward.
- e. Lamp: any bulb type, including but not limited to LEDs, metal halide, and high-pressure sodium may be used, with the requirement that the color shall be soft white or amber. Bulbs exceeding 4000k in color temperature are prohibited.
- f. Drawings: design and location of standards and fixtures shall be specified on the site development drawings.
- g. Flags: the United States flag and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 10,000 lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

### **2. Residential Lighting:**

- a. All residential development:
  - i. Floodlights are prohibited, with the exception that intermittent security lighting is permitted. Such security lighting shall be directed so that light does not trespass onto adjacent property and may be activated by motion sensor or other security system.
  - ii. Street and parking lot pole lighting fixtures and assemblies shall be metal.
  - iii. Street and parking lot pole lighting fixtures and assemblies shall be black.
  - iv. Street and parking lot pole lighting assemblies shall include an arm and bell shade, or a pole and lantern configuration as outlined in the Technical Standards and Specification Manual.
  - v. Building lighting shall be full cutoff and downward directed, and only for the illumination of vertical surfaces such as building facades and signs, and shall not cast illumination beyond the surface being illuminated.

**b. Single Family:**

- i. Homes located less than one half mile from Camp Williams are exempt from the general design standards except that all lighting shall be full cutoff and shall not exceed 90 watts, and no upward lighting including landscape lighting is permitted.
- ii. Homes located more than one half mile from Camp Williams, are exempt from the design standards except that all lighting shall be full cutoff.

**3. Nonresidential Lighting:**

- a. All wall-mounted fixtures shall not be mounted above 16'. The exception shall be those instances where there is a second story access directly from the outdoors, and under-eave lighting. Wall-mounted lighting shall be only for the illumination of vertical surfaces such as building facades and signs, and shall not cast illumination beyond the surface being illuminated.
- b. Intermittent lighting must be of the "motion sensor" type that stays on for a period of time not to exceed ten (10) minutes and has a sensitivity setting that allows the lighting fixture to be activated only when motion is detected on the site.
- c. All trespass lighting shall not exceed one foot-candles measured at the property line, except that trespass lighting into residential development shall not exceed 0.1 foot-candles measured at the property line.
- d. Service station canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
- e. All freestanding lighting fixtures and assemblies shall be black.
- f. Pole design shall include an arm and bell shade.
- g. Parking lot poles shall be limited to a height of 16' when in or within 200' of a residential zone; all other locations shall have a height limit of 20'.
- h. All lighting fixtures in surface parking lots and on the top decks of parking structures shall be fitted to render them full cutoff.
- i. Hours:
  - i. One hour after closing or by 11:00pm, whichever is earlier, businesses must turn off at least fifty percent (50%) of building lighting and lighting fixtures in surface parking lots and on top decks of parking structures; however, those lighting fixtures turned off may be set to function utilizing a motion detector system. Lights may be turned back on one half hour prior to the first employee shift.
  - ii. Business open for 24 hours must turn off 50% of their outdoor and parking lot lighting by 11:00pm and must keep them off until one half hour before sunrise, however, those lighting fixtures turned off may be set to function utilizing a motion detector system.

**4. Outdoor Sign Lighting**

- a. All illuminated signs located within one-half (1/2) mile of Camp W.G. Williams shall be positioned in such a manner and contain shielding devices as to significantly reduce spillover light affecting the military installation and operations. In no instance shall signs within 1/2 mile be positioned facing parallel to the adjacent boundaries of Camp W.G. Williams.

- b. On-premise signs may remain illuminated during regular business hours, but may not be illuminated later than one-half (½) hour after the business is no longer open to the public, nor prior to the daily opening of the business to the public.
- c. External illumination for wall signs shall be positioned in a downward direction directly onto the sign in such a manner that light does not project past the sign surface being illuminated.
- d. Monument signs may have upward illumination provided the light source is not visible, and the fixtures shall be installed and aimed in such a manner that light is not projects past the sign surface being illuminated, into the windows of neighboring residences, onto adjacent uses, onto public roadways, or skyward.
- e. Internally illuminated signs shall be designed so that the light source is not visible.
- f. All digital signs shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices, such as louvers, to minimize light escaping above the horizontal plane.
- g. Nothing in this section shall be interpreted to authorize signs in areas of the City prohibiting signs.

#### **5. Sports Lighting:**

- a. Field and stadium lighting fixtures shall not be mounted at a height greater than 70' and shall be directed inward and downward at an angle not to exceed 45 degrees.

#### **6. Walkway lighting:**

- a. Lighting of all pedestrian pathways is recommended.
- b. All pathway, walkway, and sidewalk lighting fixtures shall be mounted at a height of not to exceed than 10 feet.
- c. Bollard lighting shall be limited to height of 4 feet.

#### **7. Street Lighting:**

- a. All parking lot light fixtures shall be installed in locations so that glare or excessive direct light will not adversely affect adjacent properties.
- b. All light fixtures and assemblies shall be black.
- c. Pole mounted fixtures are required for street lighting and shall meet the City standard.

### **19.11.06. Lighting Plan.**

A lighting plan shall be submitted as part of any subdivision, site plan, conditional use permit, building permit, or other applicable development application that will include artificial illumination. This plan shall include the following:

- 1. Plans indicating the location and types of illuminating devices on the premises.
- 2. Descriptions of the illuminating devices, fixtures, lamp supports, and other devices. This description may include, but is not limited to, manufacturers' specifications, drawings, and sections.

3. Photometric sheet showing measurement of light intensity across the site and onto adjacent property in terms of candela, lumens, and foot-candles.
4. Plans providing information required in the Technical Standards and Specifications Manual.

**19.11.07. Other Prohibited Lighting**

Unless expressly permitted elsewhere in this Title, the following are prohibited:

- A. The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited; and
- B. The use of strobe lights is prohibited.
- C. The operation of searchlights, except by authorized public safety officials, for any purposes is prohibited.

**19.11.08. Maintenance of Nonconforming Lighting**

- A. All lighting fixtures and assemblies lawfully in place and operating prior to the effective date of this ordinance shall have legal nonconforming status.
- B. Minor repair and maintenance of legal nonconforming lighting fixtures and assemblies is allowed. Replacement of a sign shall terminate nonconforming status of that fixture and at that time, all standards of this regulation must be met.

## Chapter 19.12. Subdivisions.

### Sections:

- 19.12.01. Purpose.
- 19.12.02. General.
- 19.12.03. Subdivision Process and Approval Procedure.
- 19.12.04. Condominium Process and Approval Procedure.
- 19.12.05. Performance and Warranty Assurances.
- 19.12.06. General Subdivision Improvement Requirements.
- 19.12.07. Minor Subdivision Approval Procedure.
- 19.12.08. Property Line Adjustments (Exchange of Title).
- 19.12.09. Vacating or Amending a Plat.
- 19.12.10. Vacating or Altering Public Streets, Rights-of-Way, Easements, or Alleys.

### 19.12.01. Purpose.

The purpose of this Chapter is to provide regulations and standards for the: development of residential and non-residential subdivisions and construction of improvements thereon, including the design and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, and other public facilities and utilities; dedication of land and streets; granting of easements or rights-of-way; and payment of fees and other charges for the approval of a subdivision.

### 19.12.02. General.

1. **Sales of portions of subdivision parcels.** No person shall sell, deed, or exchange, or offer to sell, deed, or exchange, any parcel of land that is a part of a subdivision or of a larger tract of land, or record in the office of the County Recorder any subdivision plat, unless the subdivision has been approved by the City according to the provisions of the City Code. Parcels created without such approval by the City shall be considered part of an illegal subdivision and not eligible for further subdivision, or building permits, or other development permits until the illegal subdivision is corrected. This Chapter shall be interpreted so as to be consistent with Utah Code Chapter 10-9a.
2. **All lots subject to ordinances.** All lots, plots, or tracts of land located within a subdivision shall be subject to the provisions of the City Code, regardless of whether or not the tract is owned by the applicant or a subsequent purchaser, transferor, or holder of the land.
3. **Severability.** If any section, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Chapter.
4. **Building and occupancy permits.**
  - a. It shall be unlawful for any person to receive a building permit until all improvements, including utilities, are installed in accordance with City ordinances and standards, accepted by the City in writing, and secured by a warranty bond posted to guarantee that they remain free from defects and continue to meet City standards for a period of one or two years as allowed in Utah Code § 10-9a-604.5. The City may allow building permits to be issued

before improvements are installed if a performance bond is posted (accompanied by a bond agreement) and when, in the opinion of the City Engineer, delaying those improvements will not cause public safety or utility service problems for the homes being issued permits. The bond agreement shall specify the timeframe in which the improvements must be completed.

- b. There shall be no human occupancy of any building until all required improvements have been accepted in writing by the City, the building and lot are in compliance with the provisions of this Chapter and the City Code, and a certificate of occupancy has been issued. The City may allow occupancy before all required improvements are installed if a performance bond is posted (accompanied by a bond agreement) and when, in the opinion of the City Engineer, delaying those improvements will not cause public safety or utility service problems for the homes being issued occupancy permits. The bond agreement shall specify the timeframe in which the improvements must be completed.

5. **Duration.** Approvals for developments described in this Chapter are valid for twenty-four months from the date of approval. The City Council may grant extensions of time when such extensions will promote the public health, safety, and general welfare. Said extension must be requested within twenty-four months of Site Plan/Subdivision approval and shall not exceed twelve months.
  - a. For phased developments, if the first phase is not recorded within twenty-four months from final plat approval, the approval for all phases shall expire.
  - b. If the first phase is recorded within twenty-four months from final plat approval, the approval shall automatically be extended with each recorded phase for a period of twenty-four months measured from the date of most recent phase recordation.

~~6. **Phased Developments.** **Developments Subdivisions.** If the construction of various portions of any development subdivision is proposed to occur in stages, then the standards for phased development outlined in 19.13 shall be met. ~~open space or recreational facilities shall be developed in proportion to the number of dwellings intended to be developed during any stage of construction.~~~~

~~7. A Phasing Plan, including size and order of each phase and schedule of improvements to be installed, shall be approved by the City Council.~~

~~6. Each phasing plan shall have the written approval of all property owners and shall be recorded on each plat and recorded lot. S improvements shall be installed with a value or acreage given phase A perpetual instrument running with the land shall be recorded against the entire project that includes the, location, all values, open space easements, improvements, recordation of the first plat. An open space plat, conservation easement, development agreement, or other perpetual instrument may qualify. Such instrument may be vacated upon mutual agreement between the City and landowner upon finding of good cause.~~

~~7. **Utilities.** All utility lines shall be underground in designated easements. No pipe, conduit, cable, water line, irrigation line, gas, sewage, drainage, steam, electrical, or any other energy or service shall be installed or maintained upon any lot outside of any building above the surface of the ground except during construction.~~

- ~~i. No sewer, storm drain, culinary water, or irrigation water main shall be installed or maintained within a residential lot; all such utilities must be placed in an easement within protected open space or within ROW<sup>2</sup> rights-of-way. When placed outside rights-of-way~~

they shall be located a minimum of 10' from any lot line and paved access roads shall be provided to all manholes or other access points required for maintenance.

(Ord. 14-4)

### **19.12.03. Subdivision Process and Approval Procedure.**

1. **Processing of development plans.** All subdivisions are subject to the provisions of Chapter 19.13, Development Review Processes. In addition, all residential and non-residential subdivisions shall comply with this Chapter.

2. **Preliminary Subdivision Plats.** All subdivisions must receive a Preliminary Plat approval. Upon receipt of an application for a Preliminary Plat, City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is incomplete. Once an application is deemed to be complete, City Staff shall review the proposed Preliminary Plat and determine whether it is in compliance with state law, federal law, and City standards, resolutions, and ordinances. The Planning Director is specifically charged with ensuring that all such requirements have been resolved before recommending land use authority action. If the Planning Director recommends that a proposed Preliminary Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the land use authority finds that the preliminary Plat meets state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall approve the Preliminary Plat. If the land use authority finds that the preliminary Plat does not meet state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall deny the Preliminary Plat. An application for a Preliminary Plat shall follow the approved City format and must contain the following information:

~~a.~~

~~b.a.~~ Application form, applicant certification, and application fee.

~~e.b.~~ Preliminary title report.

~~d.c.~~ Soils report.

d. Preliminary Hydraulic and Hydrologic report and storm drainage calculations.

~~a.e.~~ Wetland delineation when required by City Engineer, Planning Commission, or Development Review Committee, or the Army Corp of Engineers.

~~e.~~ Preliminary

~~f.~~ Traffic report. Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:

i. an analysis of the average daily trips generated by the proposed project;

ii. an analysis of the distribution of trips on City street systems; and

iii. a description of the type of traffic generated; and

iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City that meets the standards of the Transportation Master Plan.

g. Data table including:

i. total project area;

- ii. total number of lots, dwellings, and buildings;
  - iii. square footage of proposed buildings footprints and, if multiple stories, square footage by floor;
  - iv. , number of proposed garage parking spaces;
  - v. number of proposed total -parking spaces;
  - vi. percentage of buildable land;
  - vii. acreage of sensitive lands and what percentage sensitive lands comprise of total project area and of open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private), and;
  - ax. -net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- ~~f.~~ ~~Stamped and addressed business size envelopes to all owners of property located within 300 feet of the boundary of the proposed subdivision and a list containing the names and addresses of those owners as listed in the current county records (no return address on the envelopes).~~
- ~~g-h.~~ Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.
- i. ALTA survey including deeds, easements, trees, utilities, structures, and other existing features and conditions.
  - j. Preliminary Plat: ~~Five-F~~ full-size 24" x 36" copies of the Preliminary Plat at a scale no smaller than 1" = 100' and ~~seven-~~ 11 x 17 inch reductions as identified on the application form, along with digital copies as outlined below. Additional copies ~~will may~~ be required prior to adding the application to the Planning Commission or City Council agenda. ~~The General Layout, Grading, Drainage, and Utility Layout information may all be on one drawing if it is not too crowded, or they can be on separate drawings.~~ Each copy shall conform to the City's standard plat layout and contain at a minimum the following items:
    - i. General Layout.:
    - ii. Name and address of owners of land and name and address of developer if different than owner.
    - iii. Name of land surveyor.
    - iv. The location of the proposed subdivision with respect to surrounding property and streets.
    - v. The name of all adjoining property owners of record, or the names of adjoining developments.
    - vi. The names and location of adjoining streets and all facilities within 100 feet of the platted property.
    - vii. Street and road layout with centerline bearing and distance labels, dimensions, and names of existing and future streets and roads, (with all new names cleared through the City GIS Department).
    - viii. Subdivision name cleared with Utah County.
    - ix. North arrow.
    - x. A tie to a permanent survey monument at a section corner.
    - xi. The boundary lines of the project with bearings and distances and a legal description.
    - xii. Layout and dimensions of proposed lots with lot area in square feet.

- xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, recreational amenities, and trails, etc.
  - xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
  - xv. Proposed road cross sections.
  - xvi. Proposed fencing.
  - xvii. Vicinity map.
  - xviii. Signature blocks for preliminary approval by Planning Commission and City Council.
  - xix. The Preliminary Plat shall be prepared and stamped by a professional surveyor or engineer licensed in Utah.
  - xx. Proposed methods for the protection or preservation of sensitive lands.
  - xxi. Location of any flood plains, wetlands, and other sensitive lands.
  - xxii. Location of 100-year high water marks of all lakes, rivers, and streams.
  - k. Preliminary Construction drawings containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide full-size 24" x 36" copies and 11 x 17 inch reductions as required on the application form. Additional copies may be required prior to adding the application to the Planning Commission agenda.
  - l. Landscaping plan drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, and other information consistent with the standards and requirements in Section 19.06-.
  - m. Phasing plan including a data table with the following information for each phase:
    - i. total area in square feet and acres;
    - ii. number of lots or dwelling units;
    - iii. open space area and percentage;
    - iv. utility phasing plan;
    - v. number of parking spaces;
    - vi. recreational facilities to be provided.
  - n. Lighting plan including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
  - o. File of all plans, documents, and reports in pdf format.
  - p. A copy of the Utah County plat map showing ownership and parcel numbers.
  - q. A document from UDOT Region 3 stating that UDOT has granted approval for all proposed accesses onto any State road.
  - r. Geolocated KMZ file including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
3. Final Plat Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.
- a. General Layout:

- ~~b. Name and address of owners of land and name and address of developer if different than owner.~~
- ~~c. Name of land surveyor.~~
- ~~d. The location of the proposed subdivision with respect to surrounding property and streets.~~
- ~~e. The name of all adjoining property owners of record, or the names of adjoining developments.~~
- ~~f. The names and location of adjoining streets and all facilities within 100 feet of the platted property.~~
- ~~g. Street and road layout with centerline bearing and distance labels, dimensions, and names of existing and future streets and roads, (with all new names cleared through the City GIS Department).~~
- ~~h. Subdivision name cleared with Utah County.~~
- ~~i. North arrow.~~
- ~~j. A tie to a permanent survey monument at a section corner.~~
- ~~k. The boundary lines of the project with bearings and distances and a legal description.~~
- ~~l. Layout and dimensions of proposed lots with lot area in square feet.~~
- ~~m. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, etc.~~
- ~~n. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.~~
- ~~o. Proposed road cross sections.~~
- ~~p. Vicinity map.~~
- ~~q. Proposed fencing.~~
- ~~r. Signature blocks for preliminary approval by Planning Commission and City Council.~~
- ~~1. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.~~
- ~~ii. Proposed methods for the protection or preservation of sensitive lands.~~
  - ~~1. Grading and Drainage Plans:~~
  - ~~2. Topography at two-foot intervals.~~
  - ~~3. Road and lot layout.~~
  - ~~4. Areas of substantial earth moving with erosion control plan.~~
  - ~~5. Location of existing water courses, canals, ditches, springs, wells, culverts, and storm drains.~~
  - ~~6. Location of any flood plains, wetlands, and other sensitive lands.~~
  - ~~7. Location of 100 year high water marks of all lakes, rivers, and streams.~~
  - ~~8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, off-site drainage facilities planned to accommodate the project drainage, and drainage plans proposed to facilitate the 10-year storm event. An off-site discharge rate of 0.2 cubic feet per second is the maximum allowed.~~
  - ~~9. Irrigation water systems shown with provisions to preserve them.~~
- ~~iii. Utility Layout Plans:~~
  - ~~1. All existing and proposed utilities including sewer, culinary water, secondary water, fire hydrants, storm drainage, subsurface drains, gas lines, overhead power lines, and street lights.~~
  - ~~2. Fire flow calculations at all hydrant locations.~~
  - ~~3. Location and dimensions of all utility easements, existing and proposed.~~

- ~~iv. File of all plans in pdf format.~~
- ~~v. A copy of the Utah County plat map showing ownership and parcel numbers.~~
- ~~s. A document stating that UDOT has granted approval for access onto any State road.~~
- ~~1. **Final Plat.** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.~~
- ~~t.a.~~ The developer may submit a Final Plat application with the Planning Director at any time after the Preliminary Plat application for a subdivision has been submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.
- ~~t.b.~~ Upon receipt of an application for a Final Plat, the following process shall be followed:
  - ~~i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is deficient. The Planning Director and City Engineer shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.~~
  - ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements, findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before recommending City Council action.
  - iii. If the Planning Director recommends that a proposed Final Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
  - iv. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

1. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:
  - a. Application form, applicant certification, and paid application fee.
  - b. Signed easements and agreements with adjacent property owners for necessary off-site facilities.

- c. Signed and recorded articles of incorporation bylaws, and conditions, covenants, and restrictions of the Home Owners Association, if any.
- d. Certificate of Existence and Certificate of Good Standing from the State of Utah for the Home Owners Association, if any.
- e. Final Hydraulic and Hydrologic storm drainage report and calculations
- f. **Final Traffic report.** Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
  - v. an analysis of the average daily trips generated by the proposed project;
  - vi. an analysis of the distribution of trips on City street systems;
  - vii. a description of the type of traffic generated; and
  - viii. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
- g. **Data table** including: ~~Data table including~~
  - i. total project area;
  - ii. total number of lots, dwellings, and buildings;
  - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
  - iv. number of proposed garage parking spaces;
  - v. number of proposed parking spaces;
  - vi. percentage of buildable land;
  - vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private);
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- a.—
- d. ~~Itemized construction cost estimate.~~
- e. ~~Evidence of water rights and compliance with the City's water utility ordinance. Water rights shall be transferred to the City and approved for municipal use within the City by the Utah State Engineer prior to Final Plat approval and recordation.~~
- **Final Subdivision Plat:**
- ~~Final subdivision plats shall be detailed in ink on reproducible Mylar sheets that are 24" x 36". Five~~
- h. ~~full~~Full-size 24" x 36" sheets and ~~seven~~~~five~~11" x 17" copies shall be submitted at a scale no smaller than 1" = 100' as outlined on the application form, along with digital copies as outlined below. Additional copies ~~will~~may be required prior ~~to the Planning Commission meeting where final plats are scheduled for consideration~~to adding the application to the Planning Commission or City Council agenda. Each Copy shall conform to the City's standard plat layout and contain at a minimum the following items: ~~consideration.~~
  - ~~Three blueprint copies of the complete construction drawings shall also be submitted.~~
  - ~~Final plats shall be in the standard form as maintained by the City Engineer.~~
  - i. ~~In addition, a~~All final plats shall include (or be accompanied by) the following:

- i. Subdivision name and location.
- ii. Name and address of owners of land and name and address of developer if different than owner.
- iii. Name of land surveyor.
- iv. The location of the proposed subdivision with respect to surrounding property and streets.
- v. The name of all adjoining property owners of record, or the names of adjoining developments.
- vi. The names and location and ROW widths of adjoining streets and all facilities within 100 feet of the platted property.
- vii. Subdivision name cleared with Utah County.
- viii. North arrow.
- ix. A tie to a permanent survey monument at a section corner.
- x. The boundary lines of the project with bearings and distances and a legal description with total project area in SF and acres.
- xi. Layout and dimensions of proposed lots with lot area in square feet and acres. Lot boundaries shall include dimensions and bearings. Building envelopes shall be shown with dimensions and areas on each lot where slopes are greater than ten percent.
- xii. Lot Numbers
- xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, etc and recreational amenities.
- xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
- xv. Proposed road ROW widths.
- xvi. Vicinity map.
- xvii. Signature blocks for preliminary approval by Planning Commission and City Council.
- xviii. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.
- xix. Proposed methods for the protection or preservation of sensitive lands.
- xx. Fencing plans.
- xxi. Location of any flood plains, wetlands, and other sensitive lands.
- xxii. Flood plain boundaries as indicated by the Federal Emergency Management Agency as well as the location of 100-year high water marks of all lakes, rivers, and streams.
- ~~ii. Existing and Proposed Subdivision name and location.~~
- ~~iii. Description of land to be included in the subdivision with appropriate survey ties to existing section corners.~~
- ~~iv. The total subdivision area.~~
- ~~v. Width and names of existing and proposed roads.~~
- ~~vi. Drawing scale to be no smaller than one inch = 100 feet.~~
- ~~vii. Lot dimensions, property line bearings, and area.~~
- ~~viii. Building envelope shown on each lot where slopes are greater than ten percent.~~
- ~~ix. Lot numbers.~~
- ~~x-xxiii. Easements.~~
- ~~xi-xxiv. Street monument locations.~~

- ~~xxv.~~ Fire hydrant locations ~~(every 500 feet).~~
- ~~xii.~~ ~~Irrigation plans.~~
- ~~xiii-xxvi.~~ Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).
- ~~xiv.~~ ~~Boundary fences.~~
- ~~xv.~~ ~~Flood plain boundaries as indicated by the Federal Emergency Management Agency.~~
- ~~xvi.~~ ~~Certificate of Survey.~~
- ~~xvii.~~ ~~Signature blocks per the City standard plat.~~
- ~~xviii-xxvii.~~ Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27 and be approved in writing by the City GIS department before being added to the subdivision plat.
- i. **Final Construction Drawings** containing, at a minimum, all items specified in the City’s “Standard Technical Specification and Drawings” manual. Applicant shall provide three full-size 24” x 36” copies and five 11 x 17 inch reductions. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda.
- j. **Landscaping and irrigation plans** drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, installation details and other information consistent with the standards in 19.06. .
- k. Phasing plan including a data table with the following information for each phase:
  - 1.11.01 Subtotal area in square feet and acres;
  - 1.11.02 number of lots or dwelling units;
  - 1.11.03 open space area and percentage;
  - 1.11.04 utility phasing plan;
  - 1.11.05 number of parking spaces;
  - 1.11.06 recreational facilities to be provided;
  - 1.11.07 overall plan showing existing, proposed, and remaining phases.
- l. **Lighting plan** including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
- m. File of all plans, documents and reports in pdf format.
- n. A document from UDOT Region 3 indicating ~~they havetating~~ that UDOT has granted approval for all proposed accesses onto any State road.
- o. **Geolocated KMZ file** including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
- p. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
- q. **Mylar Final Plat-:** After receiving Final Plat approval from the City council and in a form approved by the City ~~Engineer and Planning Director~~, a 24” x 36” copy of the final plat shall be provided to the City on reproducible Mylar for recording with Utah County. Mylar plat shall be presented with all utility and owner signatures and appropriate notarizations.
  - Data table including
    - total number of lots, dwellings, and buildings,
    - square footage of proposed buildings by floor,
    - number of proposed garage parking spaces,

- ~~— number of proposed parking spaces;~~
- ~~— percentage and acreage of buildable land;~~
- ~~— percentage and acreage of sensitive lands~~
- ~~— percentage and acreage of open space or landscaping;~~
- ~~1. net density of dwellings by acre.~~
- ~~— Any and all notes listed on the approved City standard plat.~~
- ~~i. Complete Final Construction Drawings containing the:~~
  - ~~1. Plan and profile and construction detail drawings prepared by a licensed professional Engineer. His or her signature and seal shall be on each sheet.~~
  - ~~2. Control data referencing information contained on County area reference plats (A.R.P.s) consistent with that of the included subdivision.~~
  - ~~3. Elevations tied to an existing Utah County benchmark and including a benchmark for the project.~~
  - ~~4. Drawings on a scale of 1" = 20' horizontal and 1" = 5' vertical. The vertical scale may be smaller in unusual circumstances.~~
  - ~~5. Stationing increasing from the left to the right.~~
  - ~~6. Centerline data and property line data including details of all curves.~~
  - ~~7. Centerline profiles a minimum of 300 feet each way from the ends of subdivision streets except where curb, gutter, and sidewalk exist adjacent to the subdivision.~~
  - ~~8. Location of all improvements within or adjoining the subdivision. This includes curb and gutter, sidewalk and ground pipes and utilities, ditches, canals, fire hydrants, street lights, valves, etc.~~
  - ~~9. Location of all proposed structures. Detailed standard county structures need not be detailed on the grade sheets, if the applicable county drawing is referenced.~~
  - ~~10. All proposed drainage facilities, including pipe and boxes. This includes plan and profile of the system showing how the drainage water is to be disposed of, and a detailed drawing of the storm water detention system.~~
  - ~~11. Horizontal and Vertical Curves. Where vertical curves are required for a smooth transition, the horizontal distance shall be a minimum of 100 feet. Wherever vertical curves coincide with horizontal curves, points on the vertical curve shall be calculated to coincide with fractional arc lengths on the horizontal curve. Elevations shall be shown on all horizontal and vertical curves at approximately twenty five foot intervals and at the points of curvature and the points of tangency.~~
  - ~~12. Grade lines and topography. The minimum grade for curb and gutter shall be 0.4 percent, or 0.5 percent if FHA financed. The maximum grade shall be twelve percent. Percent of grade shall be shown on straight grades with elevations at approximately fifty foot intervals. Flow arrows shall be shown to indicate direction of drainage.~~
  - ~~13. Roadway crowns calculated on the basis of a 2.0 percent grade from the lip of gutter.~~
  - ~~14. All street names and numbers. See Chapter 19.27 for specific requirements.~~
  - ~~15. Roadway cross sections.~~

~~16. Any existing trees that are four-inch caliper or larger that are within the right-of-way.~~

~~17. The existing grade elevations.~~

~~18. A reference to the City of Saratoga Springs Construction Standards and Specifications Manual.~~

~~19. Road signs and stop signs.~~

~~20. All proposed sanitary sewer facilities.~~

~~21. All proposed culinary and secondary water facilities.~~

~~—File of all plans in pdf format.~~

~~2. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.~~

(Ord. 14-4)

#### **19.12.04. Condominium Process and Approval Procedure.**

1. All condominium projects shall receive Site Plan ~~and or~~ Preliminary Plat approval as required by this Title. Both approvals may occur concurrently.
2. Upon approval or filing of a Site Plan or Preliminary Plat for a condominium project, the developer shall submit to the city a Declaration of Condominium prepared in accordance with the requirements of the Utah Code and a Record of Survey Map (also referred to as condominium plat) meeting the requirements of the Utah Code.
3. The developer may submit a condominium plat application with the Planning Director at any time after the Site Plan or Preliminary Plat for a condominium development has been approved and all necessary fees have been paid.
4. Upon receipt of an application for a condominium plat, the following process shall be followed:
  - a. The Planning Director and City staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
  - b. Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed condominium plat and submit a report to the Planning Commission at least three days prior to the meeting where the Planning Commission will review the condominium plat application.
  - c. The Planning Commission shall review the proposed condominium plat and determine whether it is in compliance with the approved Site Plan and other provisions of the City Code and any requirements imposed as a condition of that Site Plan approval.
    - i. If the proposed condominium plat complies, the Planning Commission shall approve it for signature by the Mayor, after final approval of the Development Agreement (if necessary) by City staff.
    - ii. If the proposed condominium plat fails to comply, the Planning Commission shall direct the City staff to return it to the developer, along with a written list of deficiencies.

- iii. The Planning Commission is specifically charged with ensuring that all significant conditions required for the development have been resolved before recommending City Council action.
    - d. If the Planning Commission recommends that a proposed condominium plat be approved, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered.
      - i. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed condominium plat when the Development Agreement (if applicable) is completed and approved by City staff.
      - ii. If the City Council determines that the condominium plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed condominium plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
    - e. The City Recorder, or his or her designee, shall be responsible for recording condominium plats. The developer shall pay for all recording fees at the time of recordation. No condominium plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
5. Condominium Plats shall be prepared in accordance with all applicable titles of the Utah Code (e.g., Title 57) and all Final Plat requirements deemed necessary by City staff.

**19.12.05. Performance and Warranty Assurances.**

**1. Performance Assurances.**

- a. **In General.** Completion of the improvements identified in subdivision approvals, City ordinances, regulations, or standards, or a development agreement shall be guaranteed by one of the methods listed below. A separate assurance shall be required for each phase of the development identified in the development agreement or subdivision approvals. A bond agreement approved by the City Attorney shall accompany each assurance.
- b. **Types of Assurances.** The developer shall guarantee installation of subdivision improvements by posting a bond to guarantee the successful and timely completion of improvements. A separate assurance shall be required for each phase of the development. Each assurance shall be accompanied by, or included as part of, a bond agreement on a form approved and provided by the City Attorney. An assurance may be in any of the following forms:
  - i. Escrow account;
  - ii. Irrevocable standby letter of credit; or
  - iii. Cash deposited with City.
- c. **Amount of Assurance.** Each assurance shall be in an amount equal to 115% of the City Engineer's estimated costs of the improvements. The additional 15% shall be retained by the City as payment for its overhead and administrative costs in completing the improvements and administering and enforcing the bond agreement. The bond amount and the accumulated interest, minus the amount covering the City's costs, may only be

released after the City has inspected and accepted the required improvements in writing as meeting all City ordinances, regulations, standards, and approved plans.

- d. **Use of Bond Proceeds; Release.** If required improvements are not completed as provided in a development or bond agreement, the City shall use as much as necessary of the bond amount to complete those improvements including reimbursement of any administrative or legal costs incurred by the City. A development agreement or bond agreement may provide for the phased release of portions of the bond proceeds as work proceeds, but at least twenty percent of the total shall be retained until all required improvements are installed, inspected, and accepted by the City in writing. Once all required improvements are installed, inspected, and accepted by the City in writing, the bond proceeds may be released so long as an amount equal to 10% of the City Engineer's estimated cost of improvements for the warranty bond as specified in subsection 3. below is retained.
  - e. **Guarantor/Obligor.** Other than for cash bonds deposited with the City, each guarantor or obligor of a bond must be licensed and regulated by the Department of Financial Institutions of the State of Utah or its successor, have an office in the State of Utah, and be insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund.
2. **Inspection and Acceptance of Improvements.** Required improvements shall be inspected by the City Engineer before acceptance. Such acceptance shall be in writing and shall be approved by way of a bond release by the City Manager, following submission of the developer's written request for acceptance and receipt of the City Engineer's report that all improvements have been inspected and are in compliance with City ordinances, regulations, standards, and approved plans. Fees for the inspection of required improvements shall be set in the City's adopted fee schedule.
3. **Warranty of Public and Private Improvements.** After acceptance in writing by the City, required improvements shall be guaranteed by the developer for materials and workmanship for one year, or two years if the requirements of Utah Code § 10-9a-604.5 are met.
    - a. Such a warranty provision shall be included in all development agreements and bond agreements.
    - b. A warranty agreement shall be submitted for approval by the City Manager and the City attorney, unless equivalent warranty provisions have been included in a performance assurance bond agreement.
    - c. Enforcement of the warranty shall be assured by one of the following:
      - i. Retention of ten percent of the total cost of all requirement improvements to be placed in an escrow account for the duration of the warranty period;
      - ii. An irrevocable standby letter of credit for no less than ten percent of the cost of all required improvements for the duration of the warranty period; or
      - iii. An escrow account in an amount no less than ten percent of the cost of all required improvements that shall be released upon expiration of the warranty period.
    - d. At the conclusion of the one or two year warranty period, the City must issue a Certificate of Final Acceptance before the retained ten percent can be released.

4. **Default.** In the event that the owner, developer, or contractor is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of posting the performance bond (or other period of time as specified per agreement with the City), or fails to correct, repair, or replace the defective improvements during the one or two year warranty period, the City may declare the bond proceeds forfeited and may, in its sole discretion, install or cause the required improvements to be installed, repaired, or replaced using the bond proceeds. The City may also use the bond proceeds to pay for administrative and legal costs incurred and may take any other action legally available.

#### 19.12.06. General Subdivision Improvement Requirements.

1. **Subdivision Layout.** This Section contains general requirements regarding overall subdivision design and layout. The following provisions apply to new subdivisions:
  - a. The subdivision layout should be generally consistent with the City's adopted Land Use Element of the General Plan, and shall conform to any land use ordinance, any capital facilities plan, and any impact fee facilities plan.
  - b. The maximum length of blocks shall be 1,000 feet. In blocks over 800 feet in length, a dedicated public walkway through the block at approximately the center of the block will be required.
    - i. Such a walkway shall not be less than fifteen feet in width unless otherwise approved by the City.
    - ii. Blocks intended for commercial or industrial uses shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.
    - iii. A block shall be measured from the centerline of one intersection to the centerline of the next intersection or apex of the nearest cul-de-sac. For purposes of measuring block length, an intersection may include two-way, three-way, or four-way intersections of roadways.
  - c. The City will require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.
  - d. Private roads may be constructed as approved as part of the Preliminary Plat approval and so long as such roads meet the same standards identified in the Saratoga Springs Standard Street Improvement Details.
  - ~~e.~~ e. Where the vehicular access into a subdivision adjoins intersects an arterial road as defined in the Transportation Master Plan, driveways shall not be placed on the access intersecting road within 100' of the arterial connection as measured from edge of the arterial right of way to the nearest edge of driveway surface and shall instead be placed on interior roads to avoid vehicles backing into the stacking area for the arterial and for public safety.
  - e.f. Access:
    - i. Two separate means of vehicular access onto a collector or arterial road shall be required when the following threshold is met:
      1. Whenever the total number of dwelling units served by a single means of access will exceed fifty.
    - ii. Exceptions: where no point of second access is available within five hundred feet (500'), and where all units are provided with an approved sprinkler system, a

second access shall not be required until the number of units reaches double the above limits.

- iii. Where two means of access are required, the points of access shall be placed a minimum of 500 feet apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way. The City Fire Chief may require a greater distance than 500 feet if:
  1. an essential link exists between a legitimate governmental interest and the requirement; and
  2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.

4-g. Shared driveways shall be a minimum of twenty-six feet in width and shall direct all runoff to a public or private drainage system. All dwellings on shared driveways shall provide enclosed garages or other covered parking. Shared driveways accessing more than four dwellings shall also provide a minimum of twenty feet of parking space between the garage and shared driveway. All requirements of the Fire Code shall also be met.

**2. Lot Design.** The following provisions apply to new lots:

- a. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots that would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, sanitary sewer problems, driveway grades, or other physical constraints and considerations.
- b. All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.
- c. Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria:
  - i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots;
  - ii. For subdivisions with 50 or less lots: no more than 7.5% of the total lots are allowed to be flag lots; and
  - iii. For subdivision with more than 50 lots: no more than 5% of the total lots are allowed to be flag lots.
- d. Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way. In no case may land dedicated for public roads and rights-of-way be included in the area calculation of any lots.
- e. Side property lines shall be at approximately right angles to the street line or radial to the street line.
- f. Corner lots for residential use shall be platted ten percent larger than interior lots in order to facilitate conformance with the required street setback for both streets.
- g. No lot shall be created that is divided by a municipal or county boundary line. Each property boundary line shall be made a lot line.
- h. Remnants of property shall not be left in the subdivision that do not conform to lot requirements or are not required or suitable for common open space, private utilities, public purposes, or other purpose approved by the City Council.
- i. Double access lots are not permitted with the exception of corner lots.

- j. Driveways for residential lots or parcels shall not be allowed to have access on major arterials such as Redwood Road, Crossroads Boulevard, Pioneer Crossing, and Pony Express. Exceptions may be made for large lots (at least 1 acre in size) or for lots where the home is set back over 150 feet from the arterial roadway. Approval by UDOT may be required.
  - k. All subdivisions along arterial roadways shall conform to the City's requirements and adopted street cross-section including pedestrian walkways, park strips, landscaping, and fencing.
3. **Timing of Installation; Phasing.** The City permits developers to separate approved preliminary plats into phases for review, approval, and recording subject to the following conditions:
- a. Bonding for each phase is required and shall include (in addition to the requirements of 19.12.05):
    - i. improvements required for that phase;
    - ii. major off-site improvements needed for the completion of the entire approved preliminary plat; and
    - iii. subdivision-wide improvements of major importance such as neighborhood parks, trails, open space, or other neighborhood amenities that will otherwise be installed for the entire project as set forth in the development agreement, subdivision approvals, construction drawings, and approved plans.
  - b. Each phase shall have at least two contiguous and paved accesses to ensure adequate circulation and access for the duration of the construction of one or more phases.
  - ~~i.~~ Open space and improvements shall be provided as required under phasing in Section 19.13.
  - ~~c.~~
  - ~~1.d.~~ Improvements must be completed within twenty-four months of recording ~~the each~~ Final Plat, unless a shorter period is otherwise provided in a development or bond agreement.
  - ~~2.e.~~ Road access must be provided as approved by the City Engineer and Fire Department.
  - ~~3.f.~~ Fire hydrants or alternative fire protection methods must be operational before any home construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the Building Code may also apply. Exceptions for model homes may be approved in accordance with Section 19.05.02.

(Ord. 14-11, Ord. 14-4)

**19.12.07. Minor Subdivision Approval Procedure.**

Applications to subdivide a parcel into a maximum of four parcels may follow the process described herein as the Minor Subdivision Approval Procedure. The process of effectuating the subdivision of land as a Minor Subdivision shall commence with the submission of a complete Minor Subdivision application to the City. Upon receipt of an application for a Minor Subdivision approval, the following process shall be followed and criteria met:

**1. Limitations.**

- a. A Minor Subdivision is a one-time process. ~~Lots~~ To ensure adequate infrastructure, lots created through a Minor Subdivision contained in an existing recorded subdivision plat are not eligible to apply for an ~~additional~~ Minor Subdivision.
  - b. The minimum lot size for lots created through a Minor Subdivision shall be one acre, or the minimum allowed by the zone, whichever is greater.
  - ~~e. Minor Subdivisions shall only be considered in the A, RA-5, RR, and R-1 zones.~~
  - ~~d.c.~~ Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.
2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
  3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.
  4. **Planning Commission.** The Planning Commission shall conduct a public hearing and review the proposed Final Plat to determine whether it is in compliance with the City Code.
    - a. If the proposed plat complies, the Planning Commission shall approve the plat and authorize the Mayor to sign the plat.
    - b. If the proposed plat fails to comply, the Planning Commission shall deny the plat, or may continue the decision with direction to the City staff to return it to the developer along with a written list of deficiencies that must be corrected before the Planning Commission will authorize the Mayor to sign it.
    - c. The Planning Commission is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.
  5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
  6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:
    - a. application form completed and application fee paid;
    - b. updated Preliminary Title Report;
      - i. The Title Report must also demonstrate that the proposed minor subdivision has not been involved in any prior minor subdivision;
    - c. Minor Subdivision Plats shall conform to all of the requirements for Final Subdivision Plats layouts as provided in section 19.12.03:Minor Subdivision Plat.:
      - a. ~~Three full-size sheets 24" x 36" and seven 11" x 17" copies shall be submitted along with a digital copy. Additional copies will be required prior to the Planning Commission meeting where the plat is scheduled for consideration.~~

- ~~b. Three blueprint copies of the complete construction drawings shall be submitted. The plat shall include the following:~~
- ~~1. Subdivision name and location.~~
  - ~~2. Description of land to be included in the subdivision with appropriate survey ties to existing section corners.~~
  - ~~3. The total subdivision area.~~
  - ~~4. Width and names of existing and proposed roadways~~
  - ~~5. Drawing scale to be no smaller than one inch = 100 feet.~~
  - ~~6. Lot dimensions, property line bearings and area.~~
  - ~~7. Lot numbers.~~
  - ~~8. Easements.~~
  - ~~9. Street monument locations.~~
  - ~~10. Flood plain boundaries as indicated by the Federal Emergency Management Agency.~~
  - ~~11. Record of Survey.~~
  - ~~12. Signature blocks per the City standard plat.~~
  - ~~13. Lot and road addresses and addresses for each intersection.~~

(Ord. 14-4)

#### **19.12.08. Property Line Adjustments (Exchange of Title).**

1. **Standards.** Owners may adjust property lines between adjacent ~~lots or~~ parcels that are described by ~~either~~ a metes and bounds description ~~or a recorded plat~~, by exchanging title portions of those parcels after approval if:
  - a. no new dwelling lot or dwelling results from the property line adjustment;
  - b. the number of lots or parcels does not increase;
  - c. the adjoining property owners consent to the property line adjustment;
  - d. the property line adjustment does not result in remnant land that did not previously exist; and
  - e. the adjustment does not result in a violation of applicable zoning requirements.
- ~~2. Application.~~ The owners shall file an application requesting a property line adjustment together with all required documents.
- ~~2.~~
- ~~3. Planning Director Review.~~ The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above. If the Planning Director determines that documents are complete ~~and the requested property line adjustment complies with the standards set forth above~~, the Planning Director will ~~approve~~ take action the Property Line Adjustment.
  - i. the Planning Director shall determine whether the amended property line adjustment plat complies with the requirements of this section and this Title; and
  - ii. the Planning Director shall approve, approve with conditions, or deny the amendment;
- ~~1.~~

**3-4. Notice of Approval and Conveyance of Title.** After approval by the Planning Director, the applicant shall:

- a. Prepare a Notice of Approval which:
  - i. is executed by each owner included in the exchange;
  - ii. is signed by the Planning Director;
  - iii. contains an acknowledgment for each party signing the Notice as required by State law for real property; and
  - iv. recites the description of both the original parcels and the parcels created by the property line adjustment; and
- b. Record a deed which conveys title as approved;
- c. Record the Notice of Approval; and
- d. Provide City staff with a recorded copy of the Notice of Approval.

**4.5. Property Line Adjustment Not a Subdivision.** A property line adjustment shall not be deemed a subdivision of property and shall not be required to follow the subdivision process of this Title.

**5-6. Other Divisions of Land.** Other divisions of land not meeting the definition of subdivision in Utah Code § 10-9a-103, as amended, shall be allowed so long as the process in this Section is complied with and all requirements of § 10-9a-103 are met.

#### **19.12.09. Vacating or Amending a Subdivision Plat.**

1. **Plat Amendment.** The City shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.
- ~~2. **The Planning Commission shall follow the standards and procedures and provide the notice as required in Utah Code Chapter 10-9a for vacating or amending a plat.**~~
2. **Applicability.** Owners may petition to vacate or amend a recorded subdivision plat if the petition does not affect the location or boundary of a public road or the boundary of the plat, and seeks to:
  - a. join two or more of the petitioning fee owner's lots; or
  - b. adjust internal lot lines between two or more of the petitioning fee owner's lots; or
  - c. vacate or alter private streets, rights-of-way, easements, or alleys, or
  - d. adjust internal lot restrictions subject to the standards of this Title and applicable conditions of approval for the original plat.
3. **Standards.** Plat amendments may be approved if:
  - e. no new dwelling lot or dwelling results from the plat amendment; and
  - f. the number of lots or parcels does not increase; and
  - g. the amendment does not result in remnant land that did not previously exist; and
  - h. the amendment does not violate conditions of approval for the original plat; and
  - i. the amendment does not result in a violation of applicable zoning requirements; and
  - j. if all requirements of Utah Code Chapter 10-9a are met.

4. **Application.** The owners of affected lots shall file an application on an approved City form and include the following items:

- a. Application form, applicant certification, and paid application fee.
- b. ~~Amended~~ Plat that conforms to all of the requirements of a Final Plat as provided in section 19.12.03.
- c. Data table including
  - i. total project area
  - ii. total number of lots, dwellings, and buildings
  - iii. number of proposed garage parking spaces
  - iv. number of proposed parking spaces
  - v. percentage of buildable land
  - vi. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area
  - vii. area and percentage of open space or landscaping, and recreational amenities
  - viii. area to be dedicated as right-of-way (public and private)
  - ix. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- A copy of the Utah County plat map showing ownership and parcel numbers.
- d. —
- File of all plans in ~~pdf format~~ pdf format.
- e. —
- f. Geolocated KML file including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.

5. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.

6. **Land Use Authority.**

- 3.—The Planning Director is hereby designated as the land use authority for plat amendments involving only lot combinations or lot line adjustments, and plat amendments required to formalize a variance that has been granted by the Hearing Examiner.
- a. —
- b. The Planning Commission is hereby designated as the land use authority for all other plat amendments and vacations that do not affect a public road.
- c. The City Council is hereby designated as the land use authority for all plat amendments and vacations that affect a public road, per Section 19.12.10.

7. **Planning Director Review.** The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above.

- k. For plat amendments where the Planning Director is the Land Use Authority, if the Planning Director determines that documents are complete the Planning Director shall take action on the application.
  - i. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and

—the Planning Director shall approve, approve with conditions, or deny the amendment.

1. For plat amendments where the Planning Commission or the City Council is the Land Use Authority, if the Planning Director determines that documents are complete, the Planning Director shall schedule the plat amendment for the next available meeting.

#### **8. Planning Commission Review and Action.**

- a. For amendments where the Planning Commission is the Land Use Authority:
  - i. the Planning Commission shall determine whether the amended plat complies with the requirements of this section, this Title, and Chapter 10-9a of the Utah Code;
  - ii. the Planning Commission may approve, approve with conditions, or deny the amendment; and
  - iii. if the Planning Commission approves an amended plat, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.
- b. **Public Hearing.**
  - i. A public hearing shall not be held all the property owners in the plat sign the amendment.
  - ii. Notice. Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4. The applicant shall pay the cost to post and provide notice to all property owners within 300 feet of the application, prior to final approval.

9. **Plat Amendment Not a Subdivision.** A plat amendment meeting these requirements, as well as the requirements of the Utah Code, shall not be deemed a subdivision of property and shall not be required to follow the subdivision process of this Title.

#### **19.12.10. Vacating or Altering Public Streets, Rights-of-Way, Easements, or Alleys.**

1. **Vacating Public Streets, Rights-of-Way, Easements, or Alleys.** The City Council shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.
2. **Altering Public Streets, Rights-of-Way, Easements, or Alleys.** This Subsection shall only apply if a subdivision plat is not being amended and no portion of a public street, right-of-way, easement, or alley is being vacated. Amending street or road names are not considered an alteration.
  - a.c. **City Council Review and Determination.** The City Council is hereby designated as the land use authority to consider the alteration of any portion of a public street, right-of-way, easement, or alley. The City Council may, with or without a petition or request, alter any public street, right-of-way, easement, or alley whether within a subdivision or not, following the procedures set forth below:
    - i. the City Council shall hold a public hearing after providing notice as set forth hereafter;
    - ii. the City Council shall determine whether good cause exists for the alteration;

- iii. the City Council may approve, approve with conditions, or deny the alteration;  
and
- iv. if the City Council alters any portion of a public street, right-of-way, easement, or alley, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.

**b.d. Notice.** Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4.

## Chapter 19.13. Development Review Processes.

### Sections:

- 19.13.01. Purpose.
- 19.13.02. General Considerations.
- 19.13.03. Application Forms Required.
- 19.13.04. Specific Development Processes and Submittal Requirements.
- 19.13.05. Urban Design Committee Participation.
- 19.13.06. Development Agreements.
- 19.13.07. Improvements Required.
- 19.13.08. Master Development Agreements.
- 19.13.09. Payment in Lieu of Open Space.

### 19.13.01. Purpose.

The purpose of this Chapter is to promote the health, safety, and general welfare of the residents of the City and the efficient and orderly growth of the City by regulating the development of property and establishing procedures for property development. This Chapter contains requirements for the general development processes in Saratoga Springs. Specific regulations governing Site Plan Reviews, Conditional Uses, Subdivisions, and Home Occupations are found in separate chapters of the Land Development Code. These chapters must also be consulted when preparing application materials for submittal to the City.

### 19.13.02. General Considerations.

1. **Land Use Element of the General Plan.** The City's adopted Land Use Element of the General Plan shall guide the use and future development of all land within the corporate boundaries of the City.
- ~~1.2.~~ **Municipal Code.** The size and design of lots, nature of utilities, design and improvements of streets, types and intensity of land uses, and provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the ~~Land Use Element of the General Plan, the~~ City Code, and other applicable ordinances and policies.
- ~~2.3.~~ **Conservation of Natural Features.** Trees, native land cover, wetlands, natural watercourses, hillsides, and existing topography shall be preserved where possible. Development projects shall be so designed as to prevent excessive grading and scarring of the natural terrain. The design of new projects shall consider and relate to existing and future street widths, alignments, and names.
- ~~3.4.~~ **Community facilities.** Community facilities, such as parks, recreation areas, and transportation facilities, shall be provided in the development project in accordance with the Land Use Element of the General Plan and the City's land use ordinances, particularly Chapter 19.04, Zoning. In order to facilitate the acquisition of land areas required to establish the creation and expansion of community facilities, the applicant may be required to dedicate, grant easements, or otherwise

reserve land for schools, parks, playgrounds, public rights-of-way, utility easements, and other public purposes.

**4.5. Concurrent Installation of Public Utilities.** The City recognizes the policy of concurrently installing public utilities in relation to any development within the City boundaries. Although the City will work with developers to provide utilities to a developer's project, the City is under no obligation to install utilities in order to accommodate a proposed development. The City reserves the right to approve only those developments wherein all necessary public utilities and infrastructure have been installed.

### **19.13.03. Application Forms Required.**

1. Applications for permits and other procedures (appeals, Site Plans, subdivisions, variances, Master Development Plans, plat amendments, etc.) established by this ordinance shall be filed on the forms provided by the City.
  - a. Applications shall be accompanied by a Master Development Plan; when required, Concept Plan, Preliminary Plat for proposed subdivisions, Site Plan for commercial or multi-family subdivisions, Condominium Plat for proposed condominiums, Final Plat, and any other applications, maps, plans, drawings, tabulations, calculations, and text needed to demonstrate compliance with the City Code and as described in this Chapter.
  - ~~a.~~b. Applicants shall pay the cost to post and mail notices to all property owners as required in this Title prior to consideration by the Land Use Authority.
  - ~~b.~~c. An application is not complete until the Planning Director acknowledges in writing that the application is complete.
2. Application fees for each type of permit and other procedures established by this ordinance shall be set by resolution of the City Council. Payment of application fees shall always precede review of the application.
3. The filing of an application constitutes permission for the Mayor, City Council, City Manager, Planning Commission, Hearing Examiner, or City employees to inspect the proposed development site during their consideration of the application. The City may delay consideration of any application when inclement weather or snowpack prevents a useful site inspection.

### **19.13.04. Specific Development Processes and Submittal Requirements.**

1. This Section of the Chapter identifies the development processes for each of the major types of developments within the City of Saratoga Springs. The following table is a non-exhaustive summary of these processes, and specifies who acts as the land use authority for each:

<u>Development Type Process and Land Use Authority</u> →	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	<u>Planning Commission Approval</u>	City Council Approval
<u>Development Type</u> ↓					
Preliminary Plat		X	X		X
Condominium and Final Plat					X
Minor Subdivision		X	X	X	X
<u>Lot Line Adjustment</u>	X				
<u>Plat Amendment**</u>	X				
Planned Unit Development		X	X		X
Site Plan <del>Review</del>		X	X		X
<u>Site Plan Amendment - Minor</u>		X		X	
<u>Site Plan Amendment - Major</u>		X	X		X
<u>Conditional Use – New Construction</u> <del>Major</del> <u>Major Grading Permit</u>		X	X		X
<u>Conditional Use in Existing -Building or Site**</u>	X				
<u>Temporary Use</u>	X				
<u>Home Occupation*</u>	X				
<u>Change of Use Permit**</u>	X				
<u>Development Agreement (DA)</u>					X
<u>Master Development Agreement (MDA)</u>		X	X		X
<u>DA or MDA Amendment – Minor</u> <del>Master</del> <del>Master</del> <u>Development Agreement (MDA)</u>	X	X	X		X
<u>DA or MDA Amendment – Major</u>					X

\* ~~Home Occupations in~~ May be approved by staff unless staff determines Planning Commission approval is necessary based on the criteria in §-19.08.03.

\*\* May be approved by staff unless Planning Commission or Council approval is required per §19.12 or §19.13.

2. A Neighborhood Meeting, or Neighborhood Canvas at the discretion of the applicant, is required for any multi-family or non-residential development proposal adjacent to developed property in a residential zone.

a. Neighborhood Meeting:

- a.i. This meeting shall include the developer or applicant and adjacent residents within the subdivision.
- b.ii. If a homeowners association exists in the area, the developer or builder shall notify the HOA by mail of the meeting at least ten calendar days before the meeting.
- e.iii. The developer or applicant shall provide notice of the meeting by mail to each residential property within 500-300 feet of the property at least ten calendar days prior to the meeting.
- d.iv. The developer or applicant shall be required to determine the noticing area with the advice and consent of Staff.
- e.v. The developer or applicant must provide a proposed site plan and conceptual building elevations for review and discussion at the meeting.
- f.vi. The developer or applicant must provide City staff with a written record of what transpired during the meeting, as well as an attendance roll from the meeting.
- vii. The Neighborhood Meeting must take place prior to a proposed project being reviewed by the Planning Commission.

b. Neighborhood Canvas:

- i. The canvas shall include review of the proposed site plan and building elevations at each home.
- ii. Signatures, from a minimum of 51% of the property owners, verifying that they viewed the site plan and the building elevations, shall be provided to City Staff at the conclusion of the canvas.
- g.iii. The canvas must take place prior to a proposed project being reviewed by the Planning Commission.

3. Submittal of Application.

- a. The developer or property owner shall file a properly completed development application form, including all required supporting materials and an appropriate application fee, with the Planning Director.
- b. The Planning Director shall determine whether the application is complete within ten business days after its filing.
  - i. If the application is complete, the Planning Director shall place the application on the next possible agenda taking into consideration public notice requirements and other criteria for placing an item on the agenda found in Title 2 of the City Code.
  - ii. If the application is not complete, the Planning Director shall return it with a written statement explaining what is needed to complete the application.

4. Notice of Public Hearings.

- a. Notice for items requiring a public hearing shall comply with the requirements of this Section.

- b. The developer shall incur the entire cost of providing the notice required by this Section ~~and shall provide the City with a mailing list for all properties required to be mailed notice as specified herein.~~
- c. Notice of the date, time, and place of the public hearing shall be provided at least 10 calendar days before the public hearing as follows:
  - i. mailed to each affected entity (for ordinance, zoning map, and general plan amendments only);
  - ii. posted:
    - 1. in at least three public locations in the City; or
    - 2. on the City's website;
  - iii. published on the Utah Public Notice Website;
  - iv. published in a newspaper of general circulation in the City; and
  - v. mailed to:
    - 1. property owners directed affected by the proposal; and
    - 2. property owners of each parcel or lot within 300 feet of the property that is the subject of the public hearing.

#### 5. Decision of Planning Director.

- a. If designated as the land use authority, the Planning Director shall determine whether the application complies with all applicable requirements of this ordinance or other development ordinances and policies of the City.
- b. If the Planning Director determines that the proposed development application is complete and is in compliance with the City Code and other ordinances and policies of the City, then the Planning Director may take action to approve the application.
- ~~d.~~c. In proposals where the Planning Director determines that the proposed development is not in compliance with the City Code and other ordinances and policies of the City, the Planning Director may take action to deny the application. If the applicant provides written disagreement with the Planning Director decision within 10 calendar days, a public hearing on the application shall be scheduled with the Planning Commission, and the Planning Commission shall become the land use authority.

#### 5.6. Decision of Planning Commission.

- a. If designated as the land use authority, ~~The~~ the Planning Commission shall determine whether the development application complies with all applicable requirements of this Title or other ordinances and policies of the City and conduct a public hearing, when required, on the proposed development application. The Planning Commission shall only act as the land use authority for administrative decisions and shall not act as the land use authority for a legislative decision.
- b. At the hearing, the Planning Commission shall take testimony and, in the case of an administrative decision, determine whether the proposed development complies with all applicable requirements of this ordinance or other development ordinances and policies of the City.
- c. If the Planning Commission determines that the proposed development application is complete and is in compliance with the City Code, then the Planning Commission may take action on the application.

- i. ~~If the City Council~~Planning Commission is the land use authority ~~and is making a legislative decision, the City Council~~Planning Commission may shall exercise its legislative discretion to act~~make a decision on to approve, approve with conditions or deny the application.~~
- ii. If the City Council is the land use authority, the Planning Commission shall make a recommendation to the City Council on the application, unless the development process in 19.13.04 specifies otherwise.
- ~~ii-~~iii. The Planning Commission may also table its decision or recommendation if it finds that the application materials are incomplete or if more information or additional research is need to determine if the requirements of the City Code or City ordinances are met ~~clarification is needed from the applicant, the Development Review Committee, or City Attorney regarding the proposed project.~~
- ~~iii.~~ The land use authority may also remand the application to a recommending body for further review and recommendation.

7. Decision of City Council for Administrative Decisions.

- a. If designated as the land use authority, the City Council shall determine whether the development application complies with all applicable requirements of this Title or other ordinances and policies of the City and conduct a hearing, when required, on the proposed development application.
- b. At the public hearing, the City Council shall take testimony and determine whether the proposed development complies with all applicable requirements of the City Code or other ordinances and policies of the City.
- c. If the City Council determines that the development application is complete and is in compliance with the City Code, then the City Council shall approve the application.
- ~~h.~~
- ~~i.~~

8. Decision of City Council for Legislative Decisions.

- a. The City Council is the land use authority for all legislative decisions and shall conduct a public hearing, when required, or a public meeting on the proposed development application.
- b. At a public hearing, the City Council shall take testimony and decide whether to grant the application. At a public meeting, the City Council shall discuss whether to grant the application.

9. Remand.

- ~~d.~~ Any land use authority may remand an application to a recommending body for further review and recommendation unless a different process is specified in 19.13.04.
- ~~e.~~a.

**19.13.05** Concept Plan Process.

- 1. A Concept Plan application shall be submitted before the filing of an application for subdivision or Site Plan approval unless the subdivision was part of a previous Concept Plan application within the last two years and the application does not significantly deviate from

the previous Concept Plan.

2. The Concept Plan review involves an informal ~~conference review of the plan with by~~ the ~~developer and the~~ City's Development Review Committee and an informal review of the plan by the Planning Commission and City Council.
- 2.3. The developer shall receive comments from the Development Review Committee, Planning Commission, and City Council to guide the developer in the preparation of subsequent applications.
  - i.a. The Development Review Committee, Planning Commission, and City Council shall not take any action on the Concept Plan review.
  - ii.b. The Development Review Committee, Planning Commission, and City Council comments shall not be binding, but shall only be used for information in the preparation of the development permit application.

~~The developer shall provide a schematic drawing of the proposed project that depicts the area of the proposed project, air and ground transportation corridors within two miles, and the general relationship of the proposed project to the Land Use Element of the General Plan and the surrounding area.~~
- 3.4. The Concept Plan review is intended to provide the developer with an opportunity to receive input on a proposed development prior to incurring the costs associated with further stages of the approval process. This review does not create any vested rights to proceed with development. Developers should anticipate that the City may raise additional issues in further stages not addressed at the Concept Plan stage.
- 4.5. The following items shall be submitted for a Concept Plan review:
  - iii.a. A completed application and affidavit, form, and application fee.
  - iv.b. Plat/Parcel Map of the area available at the Utah County Surveyor's Office.
  - v.c. Legal description of the entire proposed project. Parcel number and ownership.
  - vi.d. Proposed changes to existing zone boundaries, if such will be needed.
  - e. Conceptual elevations and floor plans, if available.
  - vii.f. Concept Plan Map: three Five-full-size 24" x 36" copies of the Concept Plan as required on the application form, drawn to a scale of not more than 1" = 100' and twoseven reductions on 11" x 17" paper, showing the following:
    - 1.i. Proposed name of subdivision, cleared with the County Recorder ~~to ensure the name is not already in use.~~
    - ii. Name of property if no subdivision name has been chosen. This is commonly the name in which the property is locally known.
    2. ~~Locations and widths of existing and proposed streets~~ and right-of-ways.
    - iii. Parcel number and ownerships within and adjacent to project.
    - 3.v. Road centerline data including bearing, distance, and curve radius.
    - 4.vi. Configuration of proposed lots with minimum and average lot sizes.
    - vii. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use including acreages.

locations, and percentages of each and conceptual plan of proposed recreational amenities.

- viii. Those portions of property that qualify as sensitive lands per Section 19.02.02., including acreages, locations, types, and percentages of total project area and of open space.
- ix. Total acreage of the entire tract proposed for subdivision.
- x. General topography shown with 1' or 2' contours and slope arrows with labels.
- xi. North arrow, scale, and date of drawing.
- xii. Property boundary with dimensions.
- xiii. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage and amount of open space or landscaping, and net density of dwellings by acre.
- xiv. Existing conditions and features within and adjacent to the project area including roads, structures, drainages, wells, septic systems, buildings, and utilities.
- xv. Conceptual utility schematic with existing and proposed utility alignments and sizes sufficient to show how property will be served including drainage, sewer, culinary and secondary water connections and any other existing or proposed utilities needed to service the proposed development or that will need to be removed or relocated as part of the project.

~~5.—~~

~~6. Proposed future drainage scheme.~~

~~7. Those portions of property that qualify as sensitive lands per Section 19.02.02.~~

~~8. Total acreage of the entire tract proposed for subdivision.~~

~~9. General topography.~~

~~10. North arrow, scale, and date of drawing.~~

~~11. Property boundary with dimensions.~~

~~g. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage of open space or landscaping, and net density of dwellings by acre. A schematic drawing of the proposed project that depicts the existing proposed transportation corridors within two miles, and the general relationship of the proposed project to the Transportation and Land Use Element of the General Plan and the surrounding area.~~

~~h. File of all submitted plans in pdf format.~~

~~12.—~~

~~1. File of all submitted plans in pdf format.~~

### **19.13.0506. Urban Design Committee Participation.**

1. The City has established an Urban Design Committee that may consist of persons appointed by the City Council at its discretion including one professional Architect, one professional builder, at least two City residents, one member of the Planning Commission, one City Council Member, one developer, and City staff members as assigned.

2. The Urban Design Committee is required to review architectural plans and design standards for any new construction within the City of Saratoga Springs except for Single-Family Dwellings. The Committee shall make specific recommendations to the Planning Director, Planning Commission, and City Council regarding Architectural plans and design standards.
3. The Urban Design Committee shall propose detailed Architectural design standards and guidelines that developers and applicants shall comply with. These may be adopted by the City Council through resolution or ordinance and are available for reference through the Planning Department.
4. No final subdivision plats, final Site Plans, commercial Site Plans, or other Conditional Uses that will result in the new construction of commercial, multifamily, attached housing, two-family structures, and three-family structures shall be approved by the City Council until a recommendation is received from the Committee.

4.5. The Urban Design Committee is a recommending body only and shall not make final decisions.

#### 19.13.07. Change of Use Permit

1. In General. This section is intended to provide a process for reviewing the conversion of an existing structure or site from its current or previous use to a new or substantially different type of activity or use.
2. A substantially different type of activity or use is a use that falls under a different category in the use tables in 19.04.
3. Standards. Any change of use shall meet the following criteria:
  - a. The new use is an allowed use in the zone; if the new use is a conditional use in the zone, the conditional use process shall be followed.
  - b. Signage and parking for the new use shall comply with all standards in place at time of conversion.
    - i. If the existing use is a nonconforming use, a new use of the same type or of a type which has a lower parking requirement may be placed without additional conditions. If the new use is of a different type and has a higher parking requirement, the new parking requirements shall be met.
  - c. Increased parking requirements or external changes to the site or structure for the new use shall require a site plan amendment.
  - d.
4. The Planning Director shall follow the process outlined in 19.13 for decisions of the Planning Director.

#### 19.13.0608. Development Agreements.

1. **In General.** Each development request, except for Home Occupations, major grading permits, and minor subdivisions, must have a development agreement and bond agreement approved by the City Attorney and City staff. The City Council may determine that a development agreement is not required, but in all cases a bond agreement shall be required. A development agreement is not required when conditions, requirements, findings, and recommendations are all consistent with Title 19 requirements unless the City Council, in exercising its legislative authority pursuant to Utah Code § 10-9a-102, determines that a development agreement is necessary to further the public health, safety, or welfare or any other legitimate purpose outlined in Utah Code § 10-9a-102(1). The City Attorney may provide a standard form for a development agreement that includes many of the most common provisions to facilitate efficiency in the preparation and execution of development agreements.
  
2. **Contents of Development Agreements.** Development agreements shall, at a minimum, include the following:
  - a. any condition, requirement, and finding made by the Planning Commission and City Council, including required improvements of each phase of development;
  - b. a copy of the Final Plat document, record of survey or legal description, Preliminary Plat and phasing plan, or Site Plan as applicable;
  - c. a description of all required improvements, including parks and trails, and an estimate by the City Engineer of their cost, unless only a bond agreement is required per Sections 19.12.05 and subsection (1) above;
  - d. the following unless contained in a bond agreement under Section 19.12.05:
    - i. a schedule for completion of the required improvements;
    - ii. a process by which the City may, if necessary, complete required improvements using the guarantee provided;
  - e. provisions defining required maintenance activities which include, but are not limited to, general upkeep of landscaping, sidewalks, streets, parks, and utility infrastructure, as well as the repair of such facilities as needed and as may be required by the City during or near the end of the maintenance period. These activities may also be specifically defined in the development agreement;
  - f. a process by which the development agreement may be transferred, with City approval, to the developer's successors;
  - g. a statement that provides that the development agreement and the vested rights it confers shall be void if the developer breaches the agreement.
  - h. a statement that provides that in the event the developer fails to comply with the terms of the agreement, the City may withhold approval of building permits within the project;
  - i. a statement that provides for dedication to the City of right-of-ways to adjacent properties and construction of temporary cul-de-sacs as needed to ensure adequate egress from stub streets;
  - j. declaration of covenants and restrictions, declaration of condominium;
  - j-k. ~~or~~ applicable Architectural elevation plans;
  - k-l. special conditions relating to the timing of certain improvements, lot design, performance standards, necessary off-site conditions or improvements, conditions relating to shared open space or parks, special circumstances due to location of utilities, physical characteristics of the subject property, or other conditions identified within the development agreement; and

4.m. any additional requirement that the City Council deems necessary to meet the requirements of this Title and to further the purposes in Utah Code § 10-9a-102(1).

3. **Effect of Development Agreement.** The effect of a development agreement is to create vested rights as described in said agreement and to specify the requirements of the development. Subject to constitutional limitations, development agreements do not insulate developments from changes in local, state, or federal law including applicable fire and building codes.

4. **Expiration.** A ~~Master~~ Development Agreement shall require Final Plat approval of all subdivisions within ten years, except as otherwise specified by the City Council.

5. **Amendment.** A Development Agreement may be amended upon agreement of all parties.

a. Minor amendment: a minor amendment is an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the City Manager after consultation with the DRC.

a.b. Major amendment: a major amendment is an amendment that alters the density, intensity of use, amount of open space, or unit type, and may be approved by the City Council.

4.6. **Reserved Legislative Powers.** Except for the developer's vested rights, development agreements shall not limit the future exercise of the police powers of the City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation, and other land use plans, policies, ordinances, and regulations after the date of the agreement. However, the developer's vested rights may be affected under facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine as set forth in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1988), or successor case law or statute. Any such proposed change affecting developers' vested rights shall be of general applicability to all development activity in City. Unless the City declares an emergency, the developer shall be given prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the property.

#### 19.13.0709. **Improvements Required.**

1. For the purposes of this Chapter, required improvements for all developments shall include (when applicable), but are not limited to, the following:
  - a. runoff and erosion control measures, including both structures and plantings, required to implement an approved runoff and erosion control plan;
  - b. landscaped buffers, screening fences or walls, and similar improvements required to mitigate potential nuisances;
  - c. water and sewer improvements;
  - d. storm drainage improvements;
  - e. off-street parking and loading areas, including any required landscaping;
  - f. roads and related improvements, including bridges, culverts, traffic control signs, streetlights and signs, and street trees;
  - g. sidewalks and trails;

- h. neighborhood parks and squares as outlined in the City's adopted Parks, Trails, and Open Space Master Plan or neighborhood parks as required in the preliminary approval of the project;
- i. the provision of water rights and facilities as required by the City of Saratoga Springs water utility ordinance and other ordinances, regulations, and standards;
- j. utilities such as telecommunications, cable TV, electric power, and natural gas;
- k. improvements required by the Wildland-Urban Interface Code;
- l. street lighting; and
- m. improvements required by other sections of the City Code or required by agreement between the City and the applicant.

**2. Installation at Developer's Expense.**

- a. The installation of required improvements shall be at the developer's expense. However, the City may choose to participate in the cost of certain improvements in order to correct deficiencies in areas outside the development, or to provide capacity for future development in accordance with any applicable capital facilities plan, any applicable impact fee facilities plan, or Land Use Element of the General Plan.
- b. Where off-site improvements that exceed the developer's lawful obligation are constructed at the developer's expense, a reimbursement agreement may be signed containing provisions or allowing for reimbursement by landowners whose property subsequently benefits from the improvements using mechanisms mutually agreed upon by the City and the developer. The duration of these agreements may not exceed 10 years.

**3. Improvement Standards.** Required improvements shall be installed in compliance with this Title, capital facilities plans, impact fee facilities plans, and standards, regulations, and ordinances passed by the City.

**4. Continuing Maintenance Required.** The continuing maintenance of any improvement required for compliance with applicable City ordinances, regulations, and standards shall be required for a period specified in any applicable development agreement or bond agreement. Failure to maintain any required improvement shall be a violation of these regulations.

**5. Maintenance Mechanism.** Any development that includes any property or facilities that are not dedicated to or accepted by the City of Saratoga Springs shall create a community association for the purpose of carrying out maintenance activities for such property or facilities. In the event maintenance obligations are not promptly assigned to the community association, the developer may be required to post a maintenance bond to ensure that the improvements are maintained until such time as the community association assumes maintenance obligations.

**6. Project Documents.** The developer shall submit the proposed declaration of covenants, conditions, and restrictions, condominium declarations, articles of incorporation, and by-laws for the community association for review and approval by the City attorney, and those documents shall be recorded before or concurrent with the recording of the Final Plat.

7. **Developed and Landscaped Open Space Maintenance.** The maintenance of any developed or landscaped open space required for compliance with this ordinance shall include, but not be limited to: upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. All open space shall be maintained by a homeowner's association (see Section 19.13.06) if such open space is not a part of the City's capital facilities plan or impact fee facilities plan.
8. **Maintenance of Landscaping.** Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function and, as much as reasonably possible, original appearance of the landscaped area. Sufficient water rights for the maintenance of landscaped areas shall be dedicated to or purchased from the City.
9. **Phasing Improvements.** If the construction of various portions of ~~the a~~ project is proposed to occur in stages, then the ~~open space, landscaping, and recreational facilities shall be developed in proportion to the number of dwellings and buildings intended to be developed during any stage of construction. A phasing plan, including size and order of each phase, funding mechanism, and responsible parties, shall be approved by the City Council. following standards shall be met.~~
  - a. A Phasing Plan, including size and order of each phase and schedule of improvements to be installed, shall be approved by the Planning Director.
  - b. Open Space improvements shall be installed with a value or acreage in proportion to the acreage developed with any given phase. The Developer may install open space in excess of the proportionate amount for each phase and bank open space credits towards later phases; however the open space installed must be a part of the open space shown in the Phasing Plan.
  - ~~4.c.~~ A perpetual instrument running with the land shall be recorded against the entire project prior to or concurrently with the recordation of the first plat, that includes the standards, location, funding mechanism, values, and timing for all open space, recreational facilities, amenities, open space easements, and other improvements. An open space plat, conservation easement, development agreement, or other perpetual instrument may qualify as determined by the City Attorney.

**19.13.0810. Master Development Agreements.**

1. **Purpose of Master Development Agreement Process.**
  - a. The Master Development Agreement process is established to provide a mechanism for the following:
    - i. approval of a land use and zoning plan for a specified geographic area that is proposed for development;
    - ii. identification of utilities and other public infrastructure that will be required to be installed in order to service the proposed development; and
    - iii. creation of a development agreement that identifies general land uses, residential densities, size of non-residential developments, obligations for construction of public infrastructure, and general phasing of the development.

2. **When Required.** A Master Development Agreement shall be required of any development that is in excess of twenty acres in size if non-residential or in excess of 160 acres in size if residential. Mixed-use developments in excess of twenty acres shall be required to submit a Master Development Plan.
  
3. **Master Development Applications.** Master Development Agreements may be accompanied by an application to amend the City's General Land Use Plan Map and rezone the subject property. If so, then the General Plan amendment or rezone shall not occur until the Master Development Agreement is executed by the City and developer. Master Development Agreement applications shall contain, at a minimum, the following information:
  - a. a complete application that is duly signed by the property owner or the owner's representative;
  - b. a legal description of the property;
  - c. a vicinity map showing the approximate location of the subject parcel with relation to the other major areas of the City;
  - d. a general description of the proposed development together with a map indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, trails, and any other important element of the project;
  - e. a data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage of open space or landscaping, and net density of dwellings by acre;
  - f. existing and proposed infrastructure including proposed roadways, utility locations, and capacities;
  - g. estimated impacts of the proposed Master Development Agreement on all public utilities including potable water, irrigation water, wastewater, transportation, storm drainage, fire protection, and solid waste;
  - h. parks and recreation demands of the proposed project;
  - i. an estimate of the cost to provide off-site utilities and other public infrastructure facilities to the site;
  - j. existing physical characteristics of the site including waterways, geological information, fault lines, general soils data, and contour data (two-foot intervals);
  - k. identification of environmental issues, if any, and how such will be protected or mitigated (e.g., wetlands, historical sites, endangered plants, etc.);
  - l. information relating to storm drainage including: 100-year 24-hour drainage flows, 10-year 24-hour storm water flows, and proposed storm drainage facilities;
  - m. major street layout with detailed traffic study prepared by a traffic Engineer;
  - n. statements of how the proposed development is compatible with surrounding land uses and other areas of the City and how internal compatibility will be maintained;
  - ~~o.~~ statements or maps indicating how the proposed master plan will comply with the City's open space and parks and recreation regulations;
  - ~~p.~~ ~~o.~~ a list of property owner's names and addresses within 300 feet of the subject property, together with the postage necessary to mail first-class letters to each of the property owners on the list; and
  - ~~q.~~ p. file of all submitted plans in pdf or AutoCAD 2000 format.

4. **Open Space Requirements.** The amount of open space required with any Master Development Agreement application will be established in accordance with the provisions of the applicable zoning designation as set forth in Chapter 19.04 of this code.
5. **Planning Commission Action.** Upon receipt of a complete Master Development Agreement application, the Planning Director shall schedule the application for a public hearing before the Planning Commission.
  - a. The Planning Commission shall conduct a public hearing and shall thereafter recommend to the City Council approval, approval with conditions, or denial of the Master Development Agreement application.
  - b. The Planning Commission may also recommend modifications to a Master Development Agreement application or may table its action if the application is incomplete or if the Planning Commission determines that more information should be provided prior to making a recommendation.
6. **City Council Action.**
  - ~~e.a.~~ The City Council, after receiving a recommendation from the Planning Commission, shall review the application and shall approve, approve with conditions, or deny the application.
  - ~~d.b.~~ The City Council may modify the application or table their action if the application is incomplete or if the Planning Commission determines that more information should be provided prior to taking final action.
  - ~~e.c.~~ The Master Development Agreement must be executed by the parties before a rezone or General Plan amendment is granted or takes effect.
7. **Effect of the Master Development Agreement.** The Master Development Agreement, as approved, will constitute the applicant's right to develop the property in essentially the same manner as outlined in the Master Development Agreement.
  - ~~f.a.~~ Generally, the Master Development Agreement shall include a request to amend the City's Land Use Element of the General Plan and Zoning Map, if necessary.
  - ~~g.b.~~ The Master Development Agreement shall not grant the applicant the right to circumvent any City ordinances, policies, City Council directives, or any other procedure that is approved and practiced by the City.
  - ~~h.c.~~ The applicant shall still be required to apply for subdivision approval, Site Plan review, Conditional Use approval, or other appropriate procedures as required by this Code.
8. **Additional Requirements.** A Master Development Agreement shall generally conform to the requirements found in this Chapter pertaining to the contents of a development agreement, as appropriate, as well as the following requirements:
  - ~~i.a.~~ The Master Development Agreement shall establish the general land uses in the project, the total number of residential dwellings, the estimated square footage of structures used for non-residential purposes, the general off-site utility and public infrastructure required, and any general phasing for the development of the Master Development Plan area.
  - ~~j.b.~~ The Master Development Agreement shall include provisions for phasing of improvements and the timing of the construction of public infrastructure.
  - ~~k.~~ The City may enter into performance-based reimbursement arrangements, shared funding mechanisms, or other methods if and when the City's long-term capital facility needs are

served by such methods in accordance with the requirements of Section 19.13.07.

**9. Amendment.** A Master Development Agreement may be amended upon agreement of all parties.

**a. Minor amendment:** a minor amendment is an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning Director.

**b. Major amendment:** a major amendment is an amendment that alters the density, intensity of use, amount of open space or unit type, and shall be approved by the City Council.

**19.13.0911.** Payment in Lieu of Open Space.

1. **Purpose.** In order to meet the City's recreational needs and to create a more attractive community, Open Space shall be dedicated to the City of Saratoga Springs in accordance with the standards provided in Chapters 19.04 and 19.07 of the Land Development Code. In cases where the City Council finds that a voluntary payment to the City in lieu of providing all of the open space required by the City's Land Development Code will better meet the City's recreational needs, the City Council may allow a developer to utilize the City's Payment in Lieu of Open Space Program as described in this Section.
2. **Payment in Lieu of Open Space Program.** The City's Payment in Lieu of Open Space Program may be utilized for developments in the R-2, R-3, and R-4 zones, or any other development in any zone containing equal to or less than four units per acre. The percentage of open space that may be satisfied with a Payment in Lieu of Open Space shall be determined by the City Council taking into account the following:
  - a. The proximity of regional parks;
  - b. The size of the development;
  - c. The need of the residents of the proposed subdivision for open space amenities;
  - d. The density of the project;
  - e. Whether the Payment in Lieu furthers the intent of the General Plan; and
  - f. Whether the Payment in Lieu will result in providing open space and parks in more desirable areas.
3. **Excluded Open Space.** Specific types of open space do not qualify for this program including landscaping strips, regional trail segments, landscaping buffers, sensitive lands, landscaping in parking areas, or other types of open space that may be specifically required by City ordinances and standards.
4. **Qualification for the Program.** Developments that the developers or the planning staff believe would result in better projects and would meet the above described standards may qualify for the Payment in Lieu of Open Space Program.
  - a. Such developments will be presented to the Planning Commission and City Council as part of the review process for Concept Plans or Master Development Plans. Said payments in lieu of open space shall be presented for approval in connection with preliminary and final plat approval. During that review, the Planning Commission will make a recommendation to the City Council on the implementation of the Payment in Lieu of Open Space program.

- b. Subsequent to the Planning Commission's review, the City Council may approve, approve with modifications, or deny a request to implement the Payment in Lieu of Open Space Program. The City Council maintains complete discretion as to whether a request to provide Payment in Lieu of Open Space shall be granted.

5. **Arrangements and Handling of Payment.** If the City Council approves a request to implement the Payment in Lieu of Open Space for a particular development, the following procedure will be followed:

- a. The City shall maintain a list of no less than three appraisers whom the City has approved for purposes of appraising lands participating in this program. Using one of the City's approved appraisers, an appraisal of the entire project will be performed at the developer's expense. This appraisal will be performed on the basis that the property has received development entitlements of the approved development covered by the payment in lieu of open space.
- b. An estimate of the required open space improvements, including landscaping, parks, trails, and other amenities, shall be performed by a landscaping company or landscape architect.
- c. Once complete, the appraisal and estimate shall be submitted to the City Recorder. The City shall have thirty days to review the appraisal and estimate to determine whether they are acceptable without further review.
- d. If the City finds that the appraisal and estimate are acceptable without additional review, the developer shall be notified in writing.
  - i. In the event that the City finds it necessary to further review the appraisal and estimate, the City shall employ, at the City's expense, an appraiser or landscape architect (or other professional) approved by the City to either review the original appraisal of the property or estimate or conduct a new appraisal or estimate. The City may, at the City's discretion, accept the original appraisal or use the average land value between the City's appraisal, if one is conducted, and the original appraisal. In addition, the City may, at the City's discretion, accept the original estimate of the open space improvements or use the average estimate of the developer's and City's estimate.
  - ii. Upon completion of this process the City shall notify the developer in writing of its findings.
- e. The City and the developer may agree as to the market value of the land or estimated open space improvements without an appraisal or estimate so long as there are circumstances that assure that the agreed value is at least equal to the expected appraised or actual value.
- f. The developer shall pay as a Payment-in-Lieu the amount of money equivalent to the overall appraised value of the entire project times the percentage of land required for open space, plus the estimate of the anticipated open space improvements as follows:-
  - i. Example: \$100,000 (appraised value of entire project acreage) x .30 (30% required open space) = \$30,000 plus the estimated cost of the open space improvements.
  - ii. In addition, the developer shall be required to pay an amount equal to the estimated costs of water connections and water rights for the land if it were developed as open space.
  - iii. Before any subdivision plats are recorded, the developer shall pay to the City (a) the land value, (b) estimated cost of the open space improvements based upon an average per-square-foot cost of the improvements for the threesix most recent City parks with

~~the highest and lowest park removed, and (c) estimated water rights costs before any subdivision plats will be recorded.~~

- g. Upon receipt of the payment, the City shall deposit those funds in an account that has been established for the purchase of park lands, the construction of parks and recreation improvements, or for upgrading or repairing existing park facilities. The City may expend the Payment in Lieu of Open Space funds at its discretion so long as they are only used for the purchase of parks, construction of parks and recreation improvements, or for upgrading or repairing existing parks facilities.
- h. The City and developer may also agree to make other arrangements for the Payment in Lieu of Open Space if acceptable terms can be reached, but in no case shall the value of the Payment be less than the expected appraised value, estimated cost of open space improvements, and estimated water costs as described herein.

**6. Voluntary Participation.**

- a. This program is completely voluntary and developers who participate in it shall do so on a voluntary basis only. Written development agreements shall contain a description of the terms of this program.
- b. This program is also voluntary for the City and approval of all payments in lieu of open space are made at the sole discretion of the City Council. No entitlements are granted by virtue of this Chapter and all proposals to participate in this program are subject to the total and complete review and discretion of the City Council.

## **Chapter 19.14. Site Plan Review.**

### **Sections:**

- 19.14.01. Purpose.**
- 19.14.02. Approval Required.**
- 19.14.03. Site Plan Development Standards.**
- 19.14.04. Urban Design Committee Requirements.**
- 19.14.05. Special Provisions.**
- 19.14.06. Application.**
- 19.14.07. Issuance of Building Permit.**
- 19.14.08. Issuance of a Certificate of Occupancy.**
- 19.14.09. Failure to Begin and Complete Development.**

### **19.14.01. Purpose.**

A design review procedure is established in order to encourage adequate advance planning and thereby assure a good quality of environment for the City. Such procedure is intended to provide for orderly, harmonious, safe, and functionally efficient development, and thus for the stability of property values and the general welfare of the community. It is not the purpose of this Chapter to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense; rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated above.

### **19.14.02. Approval Required.**

Site Plan approval shall be required for all developments which contain the following uses, together with any others for which it is required elsewhere in these Ordinances:

1. Any industrial use;
2. Any commercial use;
3. Any institutional use;
4. Two-Family Structures and Three-Family Structures; and
5. A multi-family residential development.

### **19.14.03. Site Plan Development Standards.**

The following are standards required for all Site Plans in any zone:

1. **Site Plan Standards.** The entire parcel area shall be built upon, landscaped, or paved in accordance with the zone's open space and parking requirements.

2. **Buffering and Screening Requirements.** Any commercial lot which abuts a residential or agricultural use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. No chain link or wood fences are permitted as buffering or screening between commercial and residential. Masonry and solid ~~white~~ vinyl are suggested types of fences, and as circumstances require, one or the other may be required. Unless otherwise required by this Title, walls or fences used as a buffer or screen shall not be less than six feet in height. Landscaped berms with sufficient trees may be reduced to 4-5 feet depending on specific adjacent uses. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. All developments shall have a minimum number of both deciduous and evergreen trees to provide for shade and visual relief.
3. **Access Requirements.**
  - a. **Access dimensions.** For each commercial lot:
    - i. each roadway shall not be more than forty feet in width, measured at right angles to the center line of the driveway except as increased by permissible curb return radii; and
    - ii. the entire flare of any return radii shall fall within the right-of-way.
  - b. **Interconnection.** All parking and other vehicular use areas shall be interconnected with adjacent properties in order to allow maximum off-street vehicular circulation.
  - c. **Acceleration and Deceleration Lanes.** Acceleration and deceleration lanes shall be required on major arterials when deemed necessary by the City Engineer or UDOT.
  - d. **Off-street Truck Loading Space.** Every structure involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the building's lot adequate space for standing, loading, and unloading of the vehicles in order to avoid undue interference with public use of streets or alleys.
4. **Utilities.** All utility lines shall be underground in designated easements. No pipe, conduit, cable, water line, gas, sewage, drainage, steam, electrical, or any other energy or service shall be installed or maintained upon any lot outside of any building above the surface of the ground except during construction.
  - a. Transformers shall be grouped with other utility meters where possible and screened with vegetation or fencing.
  - b. Each contractor and owner or developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.
  - c. Prior to construction, contact must be made with Blue Stakes and any other utility company, public or private, not participating in Blue Stakes in the area to identify underground utility lines.
5. **Grading and Drainage.** Drainage from any lot must follow current City requirements to show on site retention and a maximum allowable discharge of 0.2 cubic feet per second (cfs) per acre. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot upon which the water flows has granted an easement for such purpose. The Planning Commission must approve a Site Plan with grading, drainage, and clearing plans before any such activities may begin. Lot grading shall be kept to a minimum. Roads and development shall be designed for preservation of natural grade except as otherwise approved by the City Engineer based on standards and specifications.

6. **Secondary Water System and Dedication of Water Shares.** The applicant shall comply with the City's adopted Water Utility Ordinance and other adopted standards, regulations, and ordinances and shall dedicate to the City the amount of water specified in those adopted standards, regulations, and ordinances upon approval of the Site Plan.
7. **Piping of Irrigation Ditches.** All existing irrigation canals and ditches which are located on the site or straddle a site property line shall be piped with a sufficient size pipe and shall be approved by the City Engineer.
8. **Preliminary Condominium Plat.** When the proposed Site Plan includes condominium units, the Site Plan submittal shall include a preliminary condominium plat. Said plat shall include a survey of the property, the proposed building locations, proposed floor plans, and proposed elevations identifying each building in the development. Approval of the proposed Site Plan may occur simultaneously with the approval of the proposed preliminary condominium plat.

#### 19.14.04. Urban Design Committee Requirements.

1. Process. Urban Design Committee review shall be done prior to the first Planning Commission or City Council meeting, whichever comes first.

~~2.~~2. Mechanical Equipment. All mechanical equipment shall be located or screened and other measures shall be taken so as to shield visibility of such equipment from any public or private streets.

- a. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or roof.
- b. Rooftops of buildings shall be free of any mechanical equipment unless completely screened from all horizontal points of view.
- c. Screening materials shall conform to the color scheme of the primary building.
- d. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the City Council.

~~2.3.~~3. Windows. Windows, other than rectangular windows, may be used as accents and trim. Untreated aluminum or metal window frames are prohibited.

~~3.4.~~4. Building Lighting. Plans for exterior building lighting shall be approved as part of the Site Plan approval. Building lighting shall be shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. Lighting shall not project above or beyond the property line.

~~4.5.~~5. Trash Enclosures, Storage Areas, and External Structures. Landscaping, fencing, berms, or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures.

- a. Trash and storage areas shall be comparable to the proposed or existing building and with surrounding structures. These areas shall be well maintained and oriented away from public view.
- b. The consolidation of trash areas between buildings is encouraged.

- c. The use of modern disposal and recycling techniques is encouraged.
- d. Chain link fences and chain link fencing with vinyl slats are prohibited. Solid fences and gates shall be required so as to help shield trash areas from public or private view.
- e. Where trash enclosures, storage areas, or other external structures are adjacent to parking areas, a three foot landscaped buffer shall be provided that does not impede access into and out of vehicles.
- f. This Section shall not apply to community or public recycling bins or drop boxes; however, the location shall be determined by Staff in accordance with the standards herein.

**5.6. Exterior Materials.** The Urban Design Committee shall ensure that all buildings are finished with high quality materials that conform to the City’s design standards and an overall master design theme or plan. Building elevations shall be submitted that indicate all colors, styles, materials, and other proposed building treatments.

**6.7. Landscape Requirements.** All Site Plans shall conform to the landscaping requirements established in Chapter 19.06 of this Title.

**7.8. Parking Lot, Building, and Street Lighting.** All Site Plans shall conform to the lighting requirements established in Chapter 19.11 of this Title.

- ~~1. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties.
 
  - ~~a. Pole mounted fixtures are required.~~
  - ~~b. Lighting of all pedestrian pathways is recommended.~~~~
- ~~2. Lighting will be judged as to how adequately it meets its intended purpose.
 
  - ~~1. Design and location of standards and fixtures shall be specified on the site development drawings.~~
  - ~~2. Intensities shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas.~~
  - ~~3. All streetlights and interior parking lot lights shall meet the City’s adopted design standards for lighting.~~~~

**19.14.05. Special Provisions.**

- 1. **Uses Within Buildings.** All uses established in any commercial, office warehouse, business park, or industrial zone shall be conducted entirely within a fully enclosed approved building except those uses deemed by the City Council to be customarily and appropriately conducted in the open.
  - a. Uses which may qualify for this exception include vegetation nurseries, home improvement centers with lumber, vegetation nurseries, outdoor cafes, and auto dealerships.
  - b. Approved temporary uses, such as Christmas tree lots, shall be exempt from this requirement.
- 2. **Nuisances.** All commercial uses shall be free from objectionable odors, noises, hazards, or other nuisances.

3. **Residential Conversions.** No existing residential dwelling or residential lot in any commercial or residential zone may be used or converted into a commercial use unless all of the standards set forth herein are met, including parking regulations, setbacks, landscaping, and architectural design.

**19.14.06. Application.**

**2.1. Overview of application process.** The property owner or an authorized agent shall make application on a form prescribed for Site Plan Review by the City.

- a. Applicants for development approval must provide complete and accurate information regarding the specific site and the proposed use on the application.
- b. No application shall be processed until the application fee has been paid and the application has been reviewed for completeness and accepted by the City. Incomplete applications shall not be processed under any circumstance.

**3.2. Pre-Application conference.** Prior to a complete application, a pre-application conference shall be held between the applicant and the planning staff, once the applicant can provide the following:

- ~~a.~~ ~~Documentation that all applicable fees have been paid.~~
- ~~b.~~a. A site analysis meeting the requirements of 19.14.06.3 below.
- ~~c.~~b. A site plan meeting the requirements of 19.14.06.3. below.
- ~~d.~~c. Conceptual elevations.
- ~~e.~~d. Vicinity map meeting the requirements of 19.14.06.3. below.

**3. Accompanying Maps, Reports, and ~~and~~ Drawings Required.** The information submitted with the application shall ~~include five full-size 24 x 36 inch copies and seven 11 x 17 inch copies of the site plan, landscaping plan, elevation, drainage plan, and shall~~ include digital and paper copies of the following:

- ~~f.~~a. **Ownership Affidavit.** A statement of ownership and control of the subject property and a statement describing the nature of the intended use.
- ~~g.~~b. **Vicinity Map.** A general location map indicating the approximate location of the subject parcel.
- ~~h.~~c. **Context plan.** A context plan shall include the existing features within 200 feet of the proposed Site Plan property line. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths, and property names.
- ~~i.~~d. **Site Analysis.** A site analysis is a plan view drawing demonstrating land constraints and existing features. Existing features may consist of the presence of boulders, existing man-made features, significant trees, canals or ditches, access points or public rights-of-way, and existing conditions within 200 feet of the property line.
- ~~j.~~e. **Survey.** A survey prepared and stamped by a Utah registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel.
- ~~k.~~f. **Compliance statement.** A statement indicating how the proposed development complies with the City's adopted Land Use Element of the General Plan.

~~f.g. **Site Plan-Final Construction Drawings** containing, at a minimum, all items specified in the City’s “Standard Technical Specification and Drawings” manual. Applicant shall provide full-size 24” x 36” copies and 11 x 17 inch reductions as required on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Final Construction Drawings for aAA Site Plan is hereby required and shall be prepared and stamped by licensed or certified professionals including architects, landscape architects, land planners, engineers, surveyors, transportation engineers, or other professionals deemed necessary by the Planning Director. The City may require plans prepared by any or all of the above noted professionals. A S Site Plan application shall also contain the following:~~

- ~~i. date, scale, and north arrow;~~
- ~~ii. boundaries of the subject parcel and the entire parcel (where the project does not occupy the entire parcel of which it is a part)~~
- ~~iii. existing streets, watercourses, easements and other rights of way, and section lines;~~
- ~~iv.i. locations, dimensions, **floor plans**, and uses and heights of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties;~~
- ~~v.ii. access points, provisions for vehicular and pedestrian circulation on and off site, interconnection to adjacent sites, dimensions of such access and circulation, and pedestrian paths within 200 feet of the property boundary;~~
- ~~vi.iii. acceleration and deceleration lanes, and dimensions thereof, if required;~~
- ~~vii.iv. off-street parking and loading areas complying with the City’s off-street parking requirements contained in Chapter 19.09 of this Title;~~
- ~~viii.v. screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements;~~
- ~~ix.vi. location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures;~~
- ~~x. location and size of existing utilities and general location of utility access points and hook ups;~~
- ~~xi.vii. location, type, and size of all business and on-site circulation signage;~~
- ~~xii.viii. tabulation of square footage devoted to various land uses, ground coverage by structures, and other impervious surfaces;~~
- ~~xiii. location of existing and proposed curb, gutter, sidewalk, park strip, and edge of asphalt to be prepared, signed, and stamped by a registered engineer;~~
- ~~xiv. type of construction of all structures, presence or absence of fire sprinkling, and location of existing and proposed fire hydrants;~~
- ~~ix.~~

**h. Final Hydraulic and Hydrologic storm drainage report** and calculations

- i. Final Traffic report.** Said report shall comply with the standards outlined in the City’s adopted Transportation Master Plan and shall include, but not be limited to, the following:
  - i.an analysis of the average daily trips generated by the proposed project;
  - ii.an analysis of the distribution of trips on City street systems;
  - iii.a description of the type of traffic generated; and

iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.

j. Data table including

i. total project area

ii. total number of lots, dwellings, and buildings

iii. square footage of proposed building footprints and, if multiple stories, square footage by floor

iv. number of proposed garage parking spaces

v. number of proposed surface parking spaces

vi. percentage of buildable land

vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area

viii. area and percentage of open space or landscaping

ix. area to be dedicated as right-of-way (public and private)

x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).

xi. number of off-street parking spaces (e.g., number of proposed garage parking spaces, number of proposed surface parking spaces, etc.)

~~i. location of all existing and proposed secondary irrigation systems, both on-site and on adjacent properties, including ditches, pipes, and culverts;~~

~~ii. a statement on the Site Plan that all applicable elements of Section 19.09.07 with respect to accessible parking will be adhered to;~~

~~iii. the piping of all existing irrigation ditches which affect the site;~~

~~iv. the names of all adjacent property owners;~~

~~v. data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of off-street parking spaces (e.g., number of proposed garage parking spaces, number of proposed surface parking spaces, etc.), percentage of buildable land, percentage of open space or landscaping, and net density of dwellings by acre; and~~

~~vi.k. a file of all submitted plans, documents, and reports in pdf-format.~~

**b.l. Landscaping Plan.** A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types, and sizes of landscaping elements and existing trees, and showing compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate zone.

~~e. Grading and Drainage Plan. A grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage. The plan must include:~~

~~i. topographical plans showing existing grades and proposed grades and elevations;~~

~~ii. location and elevations of all existing and proposed drainage facilities within the subject parcel and the general vicinity within 100 feet of the site;~~

~~iii. retention areas and exfiltration systems;~~

~~iv. storm sewer piping and other appurtenances, sizes, and locations;~~

~~v. contour lines showing adequate intervals to show topography of site; and~~

~~vi. a note indicating that all storm drainage facilities will conform to the City's construction standards and policies.~~

~~d.m.~~ **Lighting Plan.** A lighting plan indicating the illumination of all interior areas and immediately adjoining streets showing the location, candle power, and type of lighting proposed, and in conformance with the City's lighting standards. An individual photometric plan is also required.

~~e.n.~~ **Elevations.** The elevations of all proposed buildings, fences, and other structures viewed from all sides indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A board showing building colors and materials is required.

~~f.o.~~ **Signage Plan.** ~~The Planning Commission shall approve a~~ An overall signage plan shall be approved during the Site Plan approval process. All information to be provided for the sign approval shall be submitted concurrent with Site Plan application materials, consistent with the requirements in Section 19.18.

~~g.~~ **Traffic Impact Study.** ~~A traffic impact study (completed by a certified traffic engineer) may be required if it is estimated by the City Engineer that the project could generate trips for any given time period in excess of five percent of the existing volume of traffic on adjacent street systems. Said study shall include, but not be limited to, the following:~~

- ~~i.~~ an analysis of the average daily trips generated by the proposed project;
- ~~ii.~~ an analysis of the distribution of trips on City street systems; and
- ~~iii.~~ a description of the type of traffic generated.

~~h. Fee.~~ ~~A fee set by resolution of the City Council shall accompany the application for any Site Plan review.~~

~~1.~~

~~4.~~ Fee. A fee set by resolution of the City Council shall accompany the application for any Site Plan review.

~~4.5.~~ **Public Notice and Hearing.** All site plans shall comply with the noticing and public hearing requirements of Section 19.13, and .04 applicants shall pay the cost to post and mail required notice to property owners, upon invoice from the City.

~~5.6.~~ **Development or Bond Agreement.** A development agreement and bond agreement shall be required based on the conditions, requirements, findings, and recommendations made by the City Council. The development agreement and bond agreement shall also be based on requirements of the City Code and legal requirements as specified by the City Attorney. The City Council may determine that a development agreement is not required, but in all cases a bond agreement shall be required. A development agreement is not required when conditions, requirements, findings, and recommendations are all consistent with Title 19 requirements unless the City Council, in exercising its legislative authority pursuant to Utah Code § 10-9a-102, determines that a development agreement is necessary to further the public health, safety, or welfare or any other legitimate purpose outlined in Utah Code § 10-9a-102(1).

~~6.7.~~ **Consideration in Review of Applications.** ~~The Planning Commission and the Planning Director~~ land use authority shall review the application and consider the following matters and others when applicable:

a. Considerations Relating to Traffic Safety and Traffic Congestion:

- i. the effect of the site development plan on traffic conditions on adjacent street systems;

- ii. the layout of site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
  - iii. the arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of Chapter 19.09, off-street parking requirements;
  - iv. the location, arrangement, and dimensions of truck loading and unloading facilities;
  - v. the circulation patterns within the boundaries of the development; and
  - vi. the surfacing and lighting of off-street parking facilities.
- b. Considerations Relating to Outdoor Advertising. Outdoor advertising shall comply with the provisions of Chapter 19.18.
- c. Consideration Relating to Landscaping:
- i. the location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, to provide buffer areas, or to conceal storage areas, utility installations, or other unsightly development;
  - ii. the requirements of Chapter 19.06;
  - iii. the planting of ground cover or other surfaces to prevent dust and erosion; and
  - iv. the unnecessary destruction of existing healthy trees.
- d. Considerations Relating to Buildings and Site Layout:
- i. the general silhouette and mass, including location on the site, elevations, and relation to natural plan coverage, all in relationship to the character of the neighborhood;
  - ii. the exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing the street, line and pitch of roofs, and the arrangement of structures on the parcel;
  - iii. compliance with the City's Architectural design standards.
- e. The effect of the site development plan on the adequacy of the storm and surface water drainage.
- f. Adequate water pressure and fire flow must be provided on the site as required by the applicable fire code.
- g. The proposed project shall comply with the City's adopted Land Use Element of the General Plan, Land Use Ordinance, land development regulations, architectural guidelines, and all other adopted ordinances, regulations, policies, and standards.
- ~~h. \_\_\_\_\_~~

~~i. 7.~~ **Site Plan Application and Approval Process.**

- ~~j.a.~~ All persons seeking Site Plan approval shall submit an application to the Planning Department for review by the City's Development Review Committee (DRC).
- ~~k. Upon compliance with the Development Review Committee's recommendations, the revised application shall be forwarded to the Planning Commission.~~
- ~~l.b.~~ Complete engineering drawings for all on-site and off-site improvements must be provided prior to the Site Plan application being scheduled for any public meeting or hearing. The Engineering Department and Development Review Committee shall review the drawings for compliance with City ordinances, regulations, and standards.

c. New site plans shall follow the process below:

- m.i. Prior to being scheduled for any public meeting or hearing, the developer shall ~~produce five copies of~~ provide a soils report for the development.
- ii. Upon compliance with the Development Review Committee's recommendations, the revised application shall be forwarded to the Planning Commission for a public hearing and possible recommendation.
- iii. Upon recommendation by the Planning Commission, the application shall be forwarded to the City Council.
- n.iv. The City Council shall review and take action to table, approve, deny, or to modify the same.
- v. Upon action by the City Council on the Site Plan application, the City Recorder shall prepare written minutes of the decision.

d. Amended site plans shall follow the process below:

- i. Minor amendment: an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning Commission.
- ii. Major amendment: an amendment that alters the density, intensity of use, amount of open space or unit type, shall follow the same process as a new site plan.

o.

**19.14.07. Issuance of Building Permit.**

1. **Conformity with approved plans.** Any building permit issued shall expressly require that development be undertaken and completed in conformity with the plans as approved by the City Council.
2. **Application compliance.** A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this Chapter and the approved Site Plan and written development agreement and/or bond agreement have been met.

**19.14.08. Issuance of a Certificate of Occupancy.**

A Certificate of Occupancy shall not be issued for any building or structure or alteration thereto until the provisions of this Chapter, approved Site Plan, development agreement, and/or bond agreement have been completed.

**19.14.09. Failure to Begin and Complete Development.**

If no substantial construction (as defined in the applicable building code) has occurred in a development ~~which that~~ has been granted Site Plan approval pursuant to this Chapter within twenty-four months from the date of approval, the Planning Director shall revoke Site Plan approval.

1. The City Council may grant extensions of time when such extensions will promote public health, safety, and general welfare. Said extension must be requested within twenty-four months of Site Plan approval and shall not exceed twenty-four months.

2. For developments that are subject to a development or bond agreement, and if the development or bond agreement establishes the deadline for commencement of substantial construction, the provisions of the development or bond agreement shall apply.

## Chapter 19.15. Conditional Use Permit.

### Sections:

- 19.15.01. Purpose.
- 19.15.02. Conditional Use Permit.
- 19.15.03. Approval Process.
- 19.15.04. Determination.
- 19.15.05. General Standards and Considerations Governing Conditional Uses.
- 19.15.06. Special Standards and Considerations Governing Particular Uses.
- 19.15.07. Optional Conditions.
- 19.15.08. Inspection.
- 19.15.09. Time Limit.

### 19.15.01. Purpose.

The purpose of this Chapter is to allow the proper integration into the City of Saratoga Springs of uses that may be suitable only under certain circumstances, or only if such uses are designed or developed on the site in a particular manner.

### 19.15.02. Conditional Use Permit.

1. **Required.** A Conditional Use permit shall be required for all uses listed as a Conditional Use in the zone regulations. A Conditional Use permit may be revoked upon failure to comply with conditions precedent of the original approval of the permit or failure to comply with the City Code.
2. **Application.** Application for a Conditional Use permit shall be made by the property owner or his duly authorized agent to the Planning Department.

### 3. Accompanying Data.

- a. Applications for Conditional Uses in New or Expanded Structures and Sites shall be accompanied by:
  - i. The application shall be accompanied by a Site Plan application and supporting materials, and
  - ii. a description of the use, and
  - iii. the Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.
- b. Applications for Conditional Uses in Existing Structure and Sites maps, drawings, or other documents sufficient to meet the requirements of a Site Plan review as specified in Chapter 19.14 of this Title and sufficient to demonstrate that the general and specific requirements of this Title will be met by the construction and operation of the proposed

~~building, structure, or use. For applications that do not require Site Plan approval, the application shall be accompanied by:~~

- ~~i. a Project Plan which represents existing building siting, parking, vehicular circulation, landscaping, lighting, fencing, trash enclosures, signage, and storm drainage, and any site changes necessary for the new use.~~

~~3.c.~~ The Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.

4. **Granting of a Permit.** In considering an application for a Conditional Use permit, the ~~City Council~~ Land Use Authority may deny a permit or may grant a permit subject to the requirements of this Chapter. The granting of a Conditional Use permit shall not exempt the applicant from other relevant provisions of this Chapter, other ordinances, regulations, or standards of the City, or the Utah Code.

5. **Fee.** The application for any Conditional Use permit shall be accompanied by a fee set by resolution of the City Council, and applicants shall pay the cost to post and mail public hearing notices.

### **19.15.03. Approval Process.**

The approval process for a Conditional Use permit shall be as follows:

#### 1. Conditional Use Permit for a Use in a New or Expanded Structure or Site:

~~4.—~~ Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Department shall place the Conditional Use application and related Site Plan application on the next available Planning Commission agenda for a public hearing ~~as outlined by application deadlines established by the Planning Department.~~

a. The Planning Commission shall review each application and make a recommendation to the City Council to approve, approve with conditions, or deny the application, or the Planning Commission may defer action if an applicant fails to appear at the public hearing or meeting or there is insufficient application information provided.

b. The City Council is the Land Use Authority, and shall review each application at a public meeting and approve, approve with conditions, or deny the application, or may defer action if an applicant fails to appear at the public meeting or there is insufficient application information provided to determine whether City ordinances and regulations are met.

#### 2. Conditional Use Permit for a Use in an Existing Structure or Site:

a. Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Director shall review the application for compliance with the standards in this Title.

- b. If the application does not include external changes to the site, the Planning Director shall be the Land Use Authority and shall approve, approve with conditions, or deny the application, or may defer action if there is insufficient application information provided.
- 2.c. If the application includes external changes to the site, a site plan amendment shall be required, the Conditional Use Permit shall follow the same process as the related site plan, and the Land use authority for the site plan shall become the Land Use Authority for the Conditional Use Permit.

#### **19.15.04. Determination.**

1. The ~~Planning Commission~~ Land Use Authority may only permit a Conditional Use to be located within zones where the particular Conditional Use is listed as a Conditional Use by the use regulations of this Title.
2. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards contained in this Chapter.
3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the standards contained in this Chapter, the conditional use may be denied.

#### **19.15.05. General Standards and Considerations Governing Conditional Uses.**

In reviewing an application for a Conditional Use permit, the ~~Planning Department~~ shall apply the following considerations and standards shall be applied:

1. The siting of the structure or use, and in particular:
  - a. the adequacy of the site to accommodate the proposed use or building and all related activities;
  - b. the location and possible screening of all outdoor activities;
  - c. the relation of the proposed building or use to any adjoining building with particular attention to protection of views, light, air, and peace and quiet;
  - d. the location and character of any display of goods and services; and
  - e. the size, nature, and lighting of any signs.
- ~~2.~~ 3.2. Traffic circulation and parking, and in particular:
  - a. the type of street serving the proposed use in relation to the amount of traffic expected to be generated;
  - b. the adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrance and exits; and
  - c. the amount, timing, and nature of traffic generated by the proposed conditional use.
- ~~3.~~ 4.3. The compatibility of the proposed conditional use with its environment, and in particular:

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

**5.4.** The Conditional Use shall meet the following standards:

- a. the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
- b. the use will be consistent with the intent of the land use ordinance and comply with the regulations and conditions specified in the land use ordinance for such use;
- c. the use will be consistent with the character and purposes stated for the land use zone involved and with the adopted Land Use Element of the General Plan;
- d. the use will not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult to provide essential services by the City, including roads and access for emergency vehicles and residents, fire protection, police protection, schools and busing, water, sewer, storm drainage, and garbage removal; and
- e. the proposed use will conform to the intent of the City of Saratoga Springs General Plan.

**6.5.** When necessary, the ~~City Council~~ **land use authority** may attach conditions to ensure compatibility with the surrounding area and to mitigate harmful effects. Such conditions may include the following:

- a. additional parking;
- b. water, sewer, and garbage facilities;
- c. landscape screening to protect neighboring properties;
- d. requirements for the management and maintenance of the facilities;
- e. changes in layout or location of uses on the lot; and
- f. any other condition the ~~City Council~~ **land use authority** finds necessary to reasonably ensure that the proposed Conditional Use will comply with the standards noted above.

**7.6.** The ~~City Council~~ **land use authority** shall make its decision based upon the facts presented for the record; expressions of support or protest alone shall not constitute the basis of approval or denial.

#### **19.15.06. Special Standards and Considerations Governing Particular Uses.**

In addition to the general standards and considerations set forth in 19.15.08, the following special standards shall be considered in relation to an application for a Conditional Use permit for any of the following uses:

1. **Automobile refueling stations and car wash operations.** As Conditional Uses, automobile refueling stations and car wash (self-serve) operations may be permitted under the following conditions:
  - a. ~~They are required by public convenience and necessity and~~ the proposed location of the Conditional Use is in accord with the Land Use Ordinance and land use zone in which the site is located.
  - b. They do not break up contiguity for pedestrians of retail store frontage.
  - c. They will not be a nuisance to residences and other surrounding uses.
  - d. They will not cause traffic hazards or undue traffic congestion.
  - e. For automobile refueling stations or free standing car washes, the lot frontage, if located on a major street, shall not be less than 125 feet.
  - f. For automobile refueling stations or car wash operations with gasoline, diesel, or natural gas pumps shall have buildings of the type of construction as required in applicable building codes, and are to be located at a distance of not less than twenty-five feet from property or building setback lines, whichever is greater.
  - g. Gasoline pumps and pump islands for car wash operations or automobile refueling stations shall have a canopy and the setback, measured from the edge of the canopy, shall be not less than twenty-five feet from any property lines or shall be in conformity with the building setback lines of the zone, whichever is greater.
  - h. Driveway design and spacing for automobile refueling stations or car wash operations shall be reviewed by the City Engineer, whose recommendation will be forwarded to the Planning Commission.
  - i. The minimum closest distance from the automobile refueling stations or car wash with gas pumps site to an existing school, park, playground, museum, or place of public assembly shall not be less than 500 feet.
  - j. No outdoor storage of rental trucks or trailers, stacks of tires, or other merchandise will be provided by the automobile refueling stations or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height.
  - k. In the Regional Commercial (RC) Land Use Zone, these land uses will not be allowed within the Gateway Area.
  
2. **Temporary Subdivision Sales Offices.** One temporary sales office may be granted as a conditional use so long as it is listed as a conditional use in the use regulations of this Title, located in a subdivision of not less than five acres, located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines, and issued a subdivision sales office permit.
  - a. A permit for a subdivision sales office may be issued by the Planning Commission at any time after recording of the subdivision; however, the applicant may proceed with the conditional use approval process simultaneously with the subdivision approval process.
  - b. The permit shall become void one year following the date on which the permit was issued. The temporary office shall then be removed unless thirty days prior to the expiration of the one year period, a request for an extension of time is made and granted by the Planning Commission. In no case will more than one extension be granted, and such extension may not be more than one year.

3. **Non-residential Group Day Care and Preschool Center Special Conditions.** Development or operation of a group day care or preschool center must be approved in advance by the **City Council** and use authority and must be found to conform to the following conditions:
  - a. it must be compatible with existing and proposed land uses in the vicinity;
  - b. it must receive the approval of the Utah Department of Health;
  - c. it must provide off-street parking spaces on the site meeting the same requirements as commercial uses and an adequate pickup and delivery area;
  - d. new construction must be compatible in design and scale of building with existing development in the area; and
  - e. the site must have frontage on a street with an existing or proposed right-of-way of 66 feet, or greater, as identified on the Transportation Element of the General Plan.
  
4. **Residential Pre-school Special Conditions.** Approval of a residential pre-school shall also require a Home Occupation business license and shall be reviewed according to the review criteria found in Chapter 19.08. In addition, a residential pre-school shall conform to the following conditions:
  - a. it must receive the approval of the Utah Department of Health;
  - b. it must provide off-street parking spaces on the site meeting the same requirements as commercial uses and an adequate pickup and delivery area; and
  - c. new construction must be compatible in design and scale of building with existing development in the area.
  
5. **Private or Quasi-public School.** Conditional Use approval of Private or Quasi-public Schools shall only be given based on the following conditions and considerations:
  - a. If the Private or Quasi-public School includes boarding facilities, the City may impose such limitations as the City believes to be in the public interest relating to the sex, age, and number of students that may be boarded or otherwise participate in the schooling and other services provided by the school. The City may also impose student-to-staff ratio requirements for the school.
  - b. The number of students allowed to attend or to be boarded at a Private or Quasi-public School shall be determined based, in part, on the size of the parcel of property on which the school is to be located.
    - i. The minimum property required for any Private or Quasi-public School shall be ten acres. More acreage shall be required for larger facilities as determined by the City.
    - ii. Property for the Private or Quasi-public School may, with the consent of the City, be dedicated to the City for public use in lieu of remaining in the private ownership of the school. The City may allow more credit for property dedicated to the City for public use than for similar acreage remaining in private ownership.
  - c. If a Private or Quasi-public School is to provide any counseling (other than educational counseling) that will require the school to obtain a license from any state or other agency (such as a license for residential treatment), the City may limit and restrict the types of counseling that the school may provide. The City may also impose limits on the students that may attend or be boarded at the Private or Quasi-public School based on the types of counseling and other services needed by the students.

- d. Since Private or Quasi-public Schools are primarily for educational purposes and not treatment or correctional purposes, the City will place restrictions on the students that may attend or be boarded at the school.
  - i. The City shall not allow such schools to accept students with serious mental or behavior disorders, students with current or recent drug or alcohol problems, students that are sex offenders, or students that are having or have recently had problems with the law.
  - ii. The City may provide that the school may not contract with any correctional office or agency for placement of students nor accept students placed or referred by judicial or correctional offices or agencies.
- e. The City shall impose such reporting, inspection, certification, review, and self-regulating conditions on Private or Quasi-public Schools as the City deems necessary to assure compliance with the limitations imposed by the City for its Conditional Use approval.
- f. The City may restrict the location of Private or Quasi-public School in the interest of the community. Such restrictions shall include not allowing Private or Quasi-public Schools to be located in close proximity to similar schools and facilities or to facilities, improvements, or developments that may be negatively affected by such schools or that may create potential risks or problems for the schools.

**6. Vehicle Storage. Conditional Use approval shall be given based on compliance with all other standards in this Chapter, and upon compliance with the following conditions and considerations:**

- a. Storage areas shall be completely enclosed by a minimum six foot opaque wall or fence.
- b. Storage shall not occur adjacent to residential development.
- c. Approvals shall be given for a maximum term of five years, and all vehicle storage shall be removed at the conclusion of the approval period.
- d. Additional five year terms shall be granted upon the following findings:
  - i. That the storage complies with the original conditions of approval.
  - ii. That the storage complies with all other Code requirements in place at the time of extension.
  - iii. That the storage is still not adjacent to residential development. At such time as the surrounding area develops in a residential manner, no further extensions shall be granted.

**19.15.07. Optional Conditions.**

Applicants for Conditional Use permits shall meet all applicable requirements of this Title. In addition, the City Council may establish conditions as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, master plan proposals, and neighborhood needs, performance, and administration. More specifically, the City Council may require:

1. **Conditions Relating to Safety of Persons and Property.**
  - a. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
  - b. The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
  - c. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the zone as outlined in applicable land use ordinances.
  - d. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault which may exist on the property, and limitations and restrictions on the use and location of uses due to special site conditions, including geologically hazardous areas, flood plains, fault zones, and landslides areas.
  - e. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
  - f. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
  - g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.
  
2. **Conditions relating to Health and Sanitation.**
  - a. A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City.
  - b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the [land use authority](#)~~City Council~~.
  - c. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.
  
3. **Conditions Relating to Environmental Concerns.**
  - a. Limitations and restrictions on the use and location of uses in sensitive lands.
  - b. Processes for: the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
  - c. The planting of ground cover or other surfacing to prevent dust and erosion.
  - d. Restructuring of the land and planting of the same as directed by the Planning Commission when the Conditional Use involves cutting or filling the land, and where such land would be adversely affected if not restructured.
  
4. **Conditions Relating to Compliance with the Intent of the General Plan and Land Use Ordinances and Characteristics of the Vicinity or Neighborhood.**
  - a. The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this Title.
  - b. The screening of yards or other areas as protection from obnoxious land uses and activities.
  - c. Landscaping to ensure compatibility with the intended characteristics of the zone as outlined in this Title.

- d. Limitations or controls on the location, heights, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or unsightly development.
- e. The relocation of proposed or existing structures as necessary to provide for future streets on the Transportation Master Plan of Saratoga Springs, adequate sight distance for general safety, groundwater control, or similar problems.
- f. Provision for, or construction of, recreational facilities necessary to satisfy needs of the Conditional Use.
- g. Population density and intensity of land use limitations where land capability or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.
- h. Other improvements which serve the property in question and which may compensate, in part or whole, for possible adverse impacts to the zone from the proposed Conditional Use.

**19.15.08. Inspection.**

Following issuance of a Conditional Use permit by the ~~City Council~~ **land use authority**, the City staff shall ensure that development is undertaken and completed in compliance with the Conditional Use permit and building permit.

**19.15.09. Time Limit.**

The Conditional Use Permit shall expire by operation of law without any action by the City unless construction or the use itself begins within one year of issuance and continues so as not to result in an expired building permit under applicable building codes. Construction must be complete within two years after issuance of the permit; otherwise, the permit shall expire by operation of law without any action by the City.