

ORDINANCE NO. 14-4 (3-25-14)

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 If they cannot be amended to comply with the provisions hereof, they are hereby repealed.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

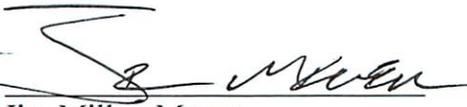
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity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

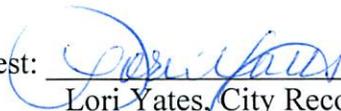
SECTION V – PUBLIC NOTICE

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 25th day of March, 2014.

Signed: 
Jim Miller, Mayor

Attest: 
Lori Yates, City Recorder

3-25-14
Date



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 ~~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.

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 for the same 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.

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:

19.02.01. Interpretation.

19.02.02. Definitions.

19.02.01. Interpretation.

For the purposes of interpreting this Title, the Rules of Construction in City Code Section 1.02.11 shall apply.

19.02.02. Definitions.

As used in this Title:

1. **“Accessory building”** means a building that:
 - a. is clearly incidental to and found in connection with a principal or main building;
 - b. is subordinate to and serves a principal or main building;
 - c. is subordinate in area, extent, or purpose to the principal or main building served;
 - d. is located on the same lot as the principal or main building served; and
 - e. contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building.
2. **“Agriculture”** means the use of land for tree farming or growing or producing field crops, livestock, and livestock products, excluding feedlots or mink operations.
 - a. “Field crops” include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
 - b. “Livestock” includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, and rabbits.
 - c. “Livestock products” include, among others, milk, butter, cheese, eggs, meat, fur, and honey.
3. **Agriculture Building** means any structure used for agriculture.
4. **“Alcoholic Beverage Package Agency”** means a liquor location operated under contractual agreement with the Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.
5. **“Alcoholic Beverage State Liquor Store”** means a facility for the sale of package liquor on premises owned or leased by the State of Utah and operated by State employees. This term does not apply to restaurants, private clubs, or package agencies
6. **“Ancillary Use”**:

- a. means a use that:
 - i. is clearly incidental to and found in connection with a principal or main use;
 - ii. is subordinate to and serves a principal or main use;
 - iii. is subordinate or less than in extent, area, or purpose to the principal or main use;
 - iv. is located on the same lot as the principal or main use; and
 - v. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use; and
 - b. Home Occupations are deemed an ancillary use.
7. **“Animal Kennel, Commercial”** means an establishment at which four or more small, medium, or large farm animals or household pets at least three months of age are boarded, treated, groomed, or trained.
8. **“Animal Hospital/Veterinary Office (Large)”**: see Large Animal Hospital/Large Veterinary Office.
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”** 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”** 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.

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”**

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

34. **“Building inspector”** means an individual appointed by the City of Saratoga Springs to enforce the provisions of the building code.
35. **“Building lot”**:
- a. **“Building lot”** means a parcel of land:
 - i. which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located; and
 - ii. having frontage on a public or approved private street which shall be extended the full required frontage of the lot and improvements installed as required by the City.
 - b. No building lot shall utilize any part of the temporary end or dead end of a street for frontage.
36. **“Building, main”**: see **“Main building”**
37. **“Building material sales (with outdoor storage)”**:
- a. **“Building material sales (with outdoor storage)”** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold.
 - b. Facilities covered under the definition in Subsection a. may also:
 - i. process lumber by performing millwork, planning, cutting, and other customizing processes; and
 - ii. provide for the sale of associated products including tools and fasteners.
38. **“Building material sales (without outdoor storage)”** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are sold.
39. **“Building Official”** or **“City Building Official”** means the City of Saratoga Springs Building Official.
40. **“Building, public”**:
- a. means a building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah or any of its subdivisions including counties and municipalities, in connection with a public use; and
 - b. does not include buildings primarily used as warehouses, public garages, and equipment sheds.
41. **“Building height”** or **“Structure height”** means:
- a. the vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or
 - b. the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

42. **“Bus Lot”** means any lot or land area used for the storage or layover of passenger buses or motor coaches.
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.
44. **“Car wash (self-serve)”** 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.
45. **“Cemetery”** means the use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematorium, mausoleum, and mortuary when operated in conjunction with and within the boundaries of such cemetery.
46. **“Charter school”**:
- a. For purposes of this Title, a charter school is considered to be a public school within the state’s public education system.
 - b. A charter school shall meet all applicable federal, state and local health, safety, and civil rights requirements.
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.
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.
49. **“City Engineer”**: see **“Engineer, City”**
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.
51. **“Collector street (major and minor)”** means a street which provides for movement between arterial and local streets and direct access to abutting property.
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.

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.
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.
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.
56. **“Concept Plan”** means:
- a. a sketch or concept drawing created prior to the Preliminary Plat for subdivisions, to enable the subdivider to demonstrate general compliance with the City’s ordinances and development regulations and policies; and
 - b. is generally prepared for and presented to the City’s Development Review Committee as described in this ordinance.
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.
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.
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. **“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.
61. **“Convenience Store/Fast Food Combination”** means a building that houses a Convenience Store and either a Fast Food (Restaurant, Casual) establishment or a Restaurant, Sit-Down.

62. **“Copy Center”** means a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.
63. **“Corner lot”** means a building lot situated within a corner created by the intersecting lines of a street or streets.
64. **“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.
65. **“Dairy”**:
- a. means a farming operation for the production of milk in commercial quantities and which is required to be regularly inspected by the State Department of Agriculture or its cooperating agencies; and
 - b. includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.
66. **“Deli”** means a shop, store, or business no larger than 2,000 square feet selling primarily meats, cheeses, and sandwiches with limited onsite seating.
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.
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.
69. **“Detached”** means freestanding with open space on all four sides.
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.

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.
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.
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.
74. **“Double frontage”:**
- a. “Double frontage” means access on public streets from the front and the rear.
 - b. This definition does not apply to corner lots.
75. **“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.
76. **“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.
77. **“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.
78. **“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.
79. **“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.
80. **“Electronic Media Rental and Sales”** means a retail establishment whose primary function is the sale or rental of videos, CDs, or DVDs.

81. **“Electronic Sales and Repair”** means a retail establishment that deals in the sale and repair of electronics.
82. **“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.
83. **“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.
84. **“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.
85. **“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.
86. **“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.
87. **“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.
88. **“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)

89. “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.

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

90.91. “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.

91.92. “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.

92.93. “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.

93.94. “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.

94.95. “Finished surface grade”:

- a. “Finished surface grade” means:
 - i. the average level of the finished surface of the ground adjacent to the front setback line of a building or structure; or

- ii. on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building.
- b. Where a lot has no frontage on a public street, the average level of the finished ground surface adjacent to and measured along all exterior walls shall be the finished surface grade.

~~95.96.~~ **“Fire code”** means the International Fire Code adopted by the City by ordinance and codified in Title 18.

~~96.97.~~ **“Fitness Center”** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

~~97.98.~~ **“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.

~~98.99.~~ **“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.

~~99.100.~~ **“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.

~~100.101.~~ **“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.

~~101.102.~~ **“Front yard”**: see **“Yard, front”**

~~102.103.~~ **“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.

~~103.104.~~ **“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.

~~104.105.~~ **“Fueling Station, Cardlock Facility”** means an automated vehicle fuel sales facility without an attendant.

~~105.106.~~ **“Funeral Home”**:

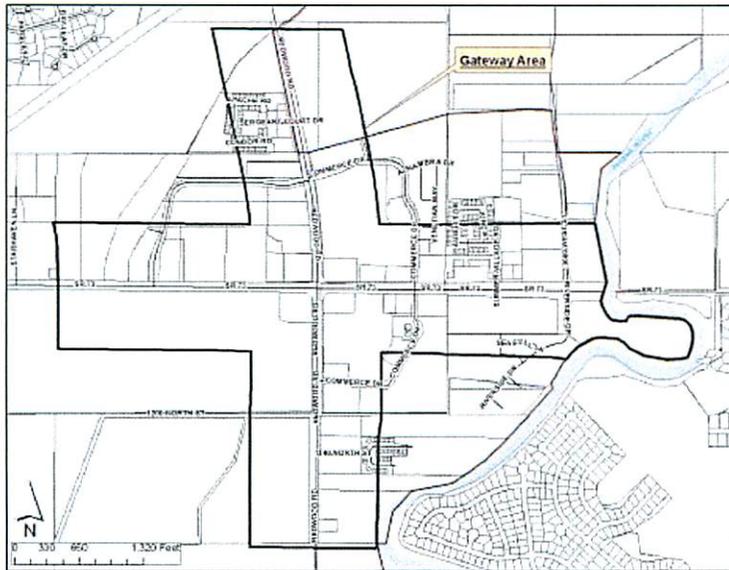
- a. means a building used for the preparation and embalming of deceased persons for viewing, burial, , and cremation of deceased persons and the conducting of rituals connected therewith before burial or cremation; and
- b. may include a chapel for the conducting of funeral services, areas for funeral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

| ~~106.~~107. **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.

| ~~107.~~108. **"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.



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

409.110. **“Grading permit, major”** means a permit issued by the City to remove or excavate large portions of a parcel or parcels in preparation for development activity or construction of infrastructure or buildings (see Section 19.13).

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

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

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

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

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

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

~~113.~~114. **“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).

~~114.~~115. **“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.

~~115.~~116. **“Hotel”** means a building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both.

~~116.~~117. **“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.

118. **“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.

~~117.~~119. **“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.

~~118.~~120. **“Interior lot”** means any building lot other than a corner lot.

~~119.~~121. **“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.

~~120.~~122. **“Kennel, boarding”** means a kennel where pet animals owned by another person are temporarily boarded 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.

~~121.~~123. **“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.

~~122,~~ 124. **“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.

~~123,~~ 125. **“Landscaping”:**

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

~~124,~~ 126. **“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.

~~125,~~ 127. **“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.

~~126,~~ 128. **“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.

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

~~128,~~ 130. **“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.

~~129,~~ 131. **“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.

~~130,~~ 132. **“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.

~~131.~~133. **“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.

~~132.~~134. **“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.

~~133.~~135. **“Local street”** means a street which provides for direct access to abutting land and for local traffic movement.

~~134.~~136. **“Lot, Building”**: see **“Building Lot”**

~~135.~~137. **“Lot, Corner”**: see **“Corner lot”**

~~136.~~138. **“Lot coverage”** means the portion of a lot that is occupied by buildings or structures including accessory uses.

~~137.~~139. **“Lot Depth, Inside Lots”**: see **“Depth”**

~~138.~~140. **“Lot Depth, Multi-frontage and Corner Lots”**: see **“Depth”**

~~139.~~141. **“Lot, Double Frontage”**: see **“Double frontage”**

~~140.~~142. **“Lot, Flag”**: see **“Flag Lot”**

~~141.~~143. **“Lot, Interior”** see **“Interior Lot”**

~~142.~~144. **“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.

~~143.~~145. **“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.
- 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.

~~144.146.~~ **“Lot Line, Front”**: see **“Lot line”**

~~145.147.~~ **“Lot Line, Front for Flag Lot”**: see **“Lot line”**

~~146.148.~~ **“Lot Line, Rear for Corner Lot”**: see **“Lot line”**

~~147.149.~~ **“Lot line, Rear for Interior Lots”**: see **“Lot line”**

~~148.150.~~ **“Lot line, Side for Corner Lot”**: see **“Lot line”**

~~149.151.~~ **“Lot line, Side for Interior Lot”**: see **“Lot line”**

~~150.152.~~ **“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.

~~151.153.~~ **“Lot Width for Corner Lot”**: see **“Lot width”**

~~152.154.~~ **“Lot Width for Interior Lot”**: see **“Lot width”**

~~153.155.~~ **“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.

~~154.156.~~ **“Major collector”**: see **“Collector street (major and minor)”**

~~155.157.~~ **“Major grading permit”**: see **“Grading permit, major”**

~~156.~~158. **“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.

~~157.~~159. **“Manufacturing”:**

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

~~158.~~160. **“Marina”** means a public or private dock or basin providing secure moorings for boats and often offering supply, repair, and other facilities.

~~159.~~161. **“Medical and Health Care Offices”:**

- a. means:
 - i. offices or clinics which provide services for the treatment and care of illness or injury, medical, dental, chiropractic offices; or
 - ii. offices devoted to the healing arts such as licensed and accredited massage therapists and licensed physical therapists; and
- b. may include a pharmacy or drugstore intended to serve patients of medical or dental professionals.

~~160.~~162. **“Mining and sand or gravel extraction subject to the City’s adopted standards relating to such activities”** means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

~~161.~~163. **“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.

~~162.~~164. **“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.

~~163.~~165. **“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.

166. “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.

464.167. **“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.

- a. 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.
- b. 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.

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

466.169. **“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.

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

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

469.172. **“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.

470.173. **“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.

471.174. **“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.

~~472.175.~~ **“Nonconforming use”** means a use meeting the definition contained in Utah Code § 10-9a-103 for a Nonconforming Use.

~~473.176.~~ **“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.

~~474.177.~~ **“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.

~~475.178.~~ **“Office”** means a room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

~~476.179.~~ **“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.

~~177,180.~~ **“Outdoor Seasonal Sales”** means a type of temporary use (~~not exceeding four months~~) that includes outdoor retail operations such as ~~produce stands, farmers markets, Christmas tree lots, pumpkin patches, fireworks stands, snow shacks, ice cream carts,~~ or other similar seasonal retail uses but not including Mobile Food Vendors, Ice Cream Vendors, or Snow Shacks.

~~178,181.~~ **“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.

~~179,182.~~ **“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.

~~180,183.~~ **“Park strip”** means the strip of land located within the public right of way between the sidewalk and the curb and gutter.

~~181,184.~~ **“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.

~~182,185.~~ **“Parking, Off-street”:** See **“Off-street parking”**

~~183,186.~~ **“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.

~~184.~~187. **“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.

~~185.~~188. **“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.

~~186.~~189. **“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.

~~187.~~190. **“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.

~~188.~~191. **“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.

~~189.~~192. **“Planning Commission”** means the City of Saratoga Springs Planning Commission.

~~190.193.~~ **“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.

~~191.194.~~ **“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.

~~192.195.~~ **“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.

~~193.196.~~ **“Preliminary Plat”** means the initial formal plat of a proposed land division or subdivision and containing the information required by this Code.

~~194.197.~~ **“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.

~~195.198.~~ **“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.

~~196.199.~~ **“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.

~~197.200.~~ **“Private kennel”:** see **“Kennel, private”**

~~198.201.~~ **“Private or Quasi-Public School”** means a school that is operated by a private or quasi-public organization or individual, which includes an academic curriculum recognized as satisfying the requirements of elementary, secondary, or higher education in the State of Utah and is accredited by an accrediting agency recognized by the State of Utah.

~~199.202.~~ **“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.

~~200.203.~~ **“Produce Stand or Farmers Market”** means an entity engaged in the temporary selling of homemade goods, homegrown vegetables, and other similar items.” 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.

~~201.204.~~ **“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.

~~202.205.~~ **“Professional Office”** means a place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed or sold.

~~203.206.~~ **“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.

~~204.207.~~ **“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.

~~205.208.~~ **“Public building”**: see **“Building, public”**

~~206.209.~~ **“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.

~~207.210.~~ **“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.

~~208.211.~~ **“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.

~~209.212.~~ **“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.

~~210.213.~~ **“Public school”** means an educational facility operated by a public school district as defined in the Utah State Code.

~~211.214.~~ **“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.

~~212.215.~~ **“Reception Center”** means an establishment with facilities that are rented for either private or public gatherings which may also provide catering or entertainment services.

~~213.216.~~ **“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.

~~214.217.~~ **“Recreation rentals”** means an establishment that specializes in the rental of outdoor recreation equipment or similar items and accessories.

~~215.218.~~ **“Recreational vehicle sales”** means an establishment that sells motor homes, all-terrain vehicles, snowmobiles, watercraft, and other similar vehicles and accessories.

~~216.~~219. **“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.

~~217.~~220. **“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.

~~218.~~221. **“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.

~~219.~~222. **“Residential above Commercial”** means a building which contains dwellings located above the ground floor of a commercial, office, or retail use.

~~220.~~223. **“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.

~~221.~~224. **“Residential facilities for elderly persons”** means housing that provides a program of assisted-living services to deal with the activities and instrumental activities of daily living for the elderly.

~~222.~~225. **“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.

~~223.~~226. **“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.

224.227. **“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
- b. take-out service may be provided so long as it is not the principal business of the establishment and no drive-up or drive-through window, or drive-in, is utilized.

225.228. **“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.

226.229. **“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.

227.230. **“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.

228.231. **“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.

232. **“Road, private”**: See **“Private Road.”**

229.233. **“Roadside Stand”**: See Produce Stand.

230.234. **“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.

234.235. **“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.

232-236. **“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.

233-237. **“Setback”** means the shortest horizontal distance permitted in each zone, as set forth in the City’s zoning districts, between the boundary lines of a lot and the building, structure, or part thereof.

234-238. **“Side yard”**: see **“Yard, side”**

235-239. **“Sidewalk”** means a passageway for pedestrians, excluding motor vehicles.

236-240. **“Single family dwelling”** means a residential dwelling:

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

237-241. **“Specialty Retail”**:

- a. means retail operations that specialize in one type or line of merchandise; and
- b. may include but is not limited to apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

238-242. **“Stable”** means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.

239-243. **“Sexually oriented business”** is defined in 19.23.02.

240-244. **“Small Animal Hospital/Small Veterinary Office”** means an establishment at which small farm animals only or household pets are treated or boarded within a completely enclosed building.

241-245. **“Streets, Collector, Major and Minor”**: see **“Collector street (major and minor)”**

242-246. **“Street, Local”**: see **“Local street”**

243-247. **“Street, Public”**: see **“Public street”**

~~244~~248. **“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.

~~245~~249. **“Structure height”**: see **“Building height”**

~~246~~250. **“Subdivider”**: see **“Developer”**

~~247~~251. **“Subdivision”** means any land that meets the definition of subdivision in Utah Code § 10-9a-103.

~~248~~252. **“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.

~~249~~253. **“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.

~~250~~254. **“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.

~~251~~255. **“Temporary Use”** means a use that is associated with a holiday or special event for a limited duration of time, including Outdoor Seasonal Sales.

~~252~~256. **“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.

~~253~~257. **“Three-Family Structure”** means a single residential building under a continuous roof, the structure containing only three dwellings sharing common interior walls or common interior floors.

~~254~~258. **“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.

~~255-259.~~ **“Trade or Vocational School”** means a post high school educational or vocational training facility.

~~256-260.~~ **“Trail”** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.

~~257-261.~~ **“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.

~~258-262.~~ **“Two-Family Structure”** means a single residential building under a continuous roof, the structure containing only two dwellings sharing common interior walls or common interior floors.

~~259-263.~~ **“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.

~~260-264.~~ **“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.

~~261-265.~~ **“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.

~~262-266.~~ **“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.

~~263-267.~~ **“Water Utility Ordinance”** means the City of Saratoga Springs’ adopted water utility ordinance.

~~264.268.~~ **“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.

~~265.269.~~ **“Wireless telecommunication equipment”** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.

~~266.270.~~ **“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.

~~267.271.~~ **“Yard, front”** means a yard between the front lot line and the setback line of a main building and extending for the full width of the lot.

~~268.272.~~ **“Yard, rear”** means a yard between the rear lot line and the setback line of a main building, extending across the full width of inside lots; or, for corner lots, a yard between the rear lot line and the setback line of the building and extending between the side lot line and the front yard lying opposite thereto.

~~269.273.~~ **“Yard, side”** means a yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard.

~~270.274.~~ **“Zoning map”** means a map that contains all of the land use zone designations for all properties located within the City of Saratoga Springs.

Chapter 19.03. Land Use Administration and Enforcement.

Sections:

- 19.03.01. Levels of Administrative Review.**
- 19.03.02. Scope.**
- 19.03.03. Development Review Committee.**
- 19.03.04. Powers and Duties of the Development Review Committee.**
- 19.03.05. Planning Commission Created: Appointment of Members.**
- 19.03.06. Powers and Duties of the Planning Commission: Land Use Element of the General Plan.**
- 19.03.07. Powers and Duties of the Planning Commission: Land Use Ordinance.**
- 19.03.08. Powers and Duties of the Planning Commission: Development Proposals.**
- 19.03.09. Appeal Authority for Certain Limited Matters; Terms.**
- 19.03.10. Hearings Conducted by the Hearing Examiner.**
- 19.03.11. Powers and Duties of the Hearing Examiner.**
- 19.03.12. Powers of the Hearing Examiner Limited.**
- 19.03.13. Requests to Appear Before the Hearing Examiner**
- 19.03.14. Hearing Examiner Appeal Procedure.**
- 19.03.15. Hearing Examiner Appeal Hearing.**
- 19.03.16. Action Taken by the Hearing Examiner; Standard of Review for Appeals.**
- 19.03.17. Rules for Hearing and Deciding Appeals.**
- 19.03.18. Provisions for Hearing and Ruling on Variances.**
- 19.03.19. Notification and Duration of Approval.**
- 19.03.20. Recourse from Actions Taken by the Examiner.**
- 19.03.21. Powers and Duties of the City Council.**

19.03.01. Levels of Administrative Review.

As set forth in this Chapter, there shall be multiple levels of land use development review in the City to accommodate the advisory, recommendation, approval, and appeal processes, as follows:

1. Advisory.

- a. All proposed land use developments, as impacted under this Title, shall first be reviewed by the Development Review Committee (“DRC”).
- b. The DRC shall advise the Planning Commission and City Council on all proposed land use developments.
- c. The DRC is not a public body for purposes of the Utah Open and Public Meetings Act and does not have authority to make final decisions. Rather, the DRC makes recommendations only during informal meetings held by members of City Staff. Meetings held by the DRC are not public meetings and do not require public noticing, written minutes, or audio recordings.

2. Recommendation.

- a. Except as otherwise specified in this Title, all proposed land use developments, as impacted under this Title, shall be reviewed by the Planning Commission prior to submission to the City Council.
- b. Each proposed development shall receive a Planning Commission recommendation for approval, denial, or modification before being sent to the City Council.

3. Approval.

- a. Except as otherwise specified in this Title, all proposed land use developments, as impacted under this Title, shall be reviewed by the City Council for approval.
- b. Each such proposed development shall receive both preliminary and final approval by the City Council.
- c. All final approvals by the City Council shall implicitly include a requirement for Engineering, legal, and all other necessary or stipulated signatures on the Final Plat prior to recording.

4. Appeal.

- a. All proposed land use development decisions, as impacted under this Title and meeting the requirements of this Title and state statute, shall be entitled to appeal before the Hearing Examiner, upon appropriate application.
- b. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a land use authority's decision, in accordance with this ordinance.

19.03.02. Scope.

The regulations and procedures of this ordinance shall prevail in any conflict between this ordinance and the regulations and procedures of any other ordinance of the City of Saratoga Springs pertaining to the development of property.

19.03.03. Development Review Committee.

There is hereby authorized the establishment of a Development Review Committee which is comprised of representatives of the professional staff of the City as appointed by the City Manager. 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

19.03.04. Powers and Duties of the Development Review Committee.

It shall be the duty of the Development Review Committee to:

1. review all land use applications and matters, ensure development compliance with City Ordinances, and make recommendations to be submitted to the Planning Commission, City Council, or other agencies as necessary to accomplish the purposes of this Title; and

2. perform such other duties as are related and assigned.

19.03.05. Planning Commission Created: Appointment of Members.

1. There is hereby created a Planning Commission consisting of seven members, appointed by the Mayor with the advice and consent of the City Council, to serve terms of four years and until their successors are appointed and qualified. The terms shall be staggered so that the terms of the members shall expire on different years, when possible, and on December 31 of each year. Any unexpired terms shall be filled for the remainder of the term by the same procedure as original appointment. A member may be removed by the Mayor for cause, but only after a public hearing is first held if such is requested by the member.
2. The Planning Commission shall organize as provided in Utah Code Chapter 10-9a.
3. The Planning Commission members shall not receive a salary or fee for their services but may receive a stipend and be reimbursed for mileage or actual expenses incurred.
4. To carry out its duties, the Planning Commission and staff shall have the powers granted to such by this Title and by Utah Code Chapter 10-9a.
5. The Planning Commission shall adopt written rules of procedure for the conduct of its meetings and the performance of its other duties, which rules shall be subject to approval of the Planning Commission Chair and City Attorney and not be in conflict with state law or the terms of this ordinance.
6. The Planning Commission shall regularly meet to conduct its business according to a schedule of times and at a location set annually by the Planning Commission Chair.
7. From time to time the City Council may establish representative districts within the City from which the Mayor may appoint a resident to serve on the Planning Commission. Such appointments shall be made in conformance with all other sections of this Chapter.

19.03.06. Powers and Duties of the Planning Commission: Land Use Element of the General Plan.

1. The Planning Commission shall prepare and recommend a Land Use Element of the General Plan for the City of Saratoga Springs, or amendments thereto, in accordance with relevant sections of Utah Code.
2. The Land Use Element of the General Plan shall be used by the Planning Commission ~~as a basis of~~ for guidance when making findings on decisions pertaining to Conditional Use

permits and in making recommendations on large scale developments, changes to the land use ordinances, or changes to the zoning map.

3. The Planning Commission shall not make any decision or recommendation for approval for any Conditional Use Permit, land use ordinance change, development proposal, or change to the zoning map that ~~does not comply~~ without first considering the recommendations in with the Land Use Element of the General Plan.

19.03.07. Powers and Duties of the Planning Commission: Land Use Ordinance.

1. The Planning Commission may propose a land use ordinance or zoning map for the City of Saratoga Springs, may propose amendments of an existing land use ordinance or zoning map, and may adopt procedures for the proposals to be initiated by its members.
2. The Planning Commission shall consider and give its recommendations on any amendment to the land use ordinance which is proposed by the City Council and submitted to it for approval, denial, or recommendation.
3. Before the Planning Commission proposes any land use ordinance change, it shall comply with the requirements of Chapter 19.17.
4. In considering a proposed amendment to this Title or the City's official Zoning Map, the Planning Commission may submit a recommendation to the City Council for or against the proposal, or it may recommend an alternate amendment.

19.03.08. Powers and Duties of the Planning Commission: Development Proposals.

1. The Planning Commission shall take action to recommend to the City Council approval or denial of any ~~proposed development projects~~ land use application in accordance with the terms of land use regulations of the City plus any procedural bylaws the Planning Commission may have adopted under authority in this ordinance.
2. The Planning Commission shall take action to approve or deny a land use application for which powers as the Land Use Authority have been granted in accordance with the terms of land use regulations of the City.
3. The Planning Commission shall follow procedural bylaws as adopted under authority in this ordinance.
4. The Planning Commission shall perform other duties as required under the terms of this ordinance.

19.03.10. Hearings Conducted by the Hearing Examiner.

1. The Hearing Examiner shall conduct hearings, may administer oaths to witnesses, may compel the attendance of witnesses, and may subpoena witnesses, documents, and other evidence. However, the Hearing Examiner may only subpoena witnesses, documents, or other evidence if there is an inadequate record. If written minutes and staff reports with adopted findings and conditions are available, it shall be presumed that there is an adequate record.
2. The City Recorder shall keep minutes of the appeal hearing.
3. The written minutes and records, along with the appeal application, written statements, and other facts bearing on the appeal and decision of the Hearing Examiner, shall be filed in the office of the City Recorder and shall be a public record.
4. The City Recorder shall make an audio recording of the proceedings of the Hearing Examiner and a copy may be requested from the City Recorder in accordance with the City's policies for public records requests.

19.03.11. Powers and Duties of the Hearing Examiner.

The powers and duties of the Hearing Examiner shall be limited to the following:

1. to hear and decide appeals from a land use decision, requirement, refusal, or other decision made in interpreting and applying the land use ordinance;
2. to hear and decide variances, as defined in state law, from the area, width, setback, or other terms of the land use ordinance, except a use variance shall not be granted; and
3. to act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of land use ordinances.

19.03.12. Powers of the Hearing Examiner Limited.

1. The powers and duties of the Hearing Examiner are limited to those set forth in this Chapter and Title. The Hearing Examiner shall not have the authority to amend this ordinance or to act outside of the authorized rules set forth in Utah Code Chapter 10-9a.
2. No decision shall be made in such a way so as to destroy the intent and purpose of the land use ordinance.
3. The Hearing Examiner's decisions are subject to review only according to the provisions of Utah Code Chapter 10-9a.
4. The Hearing Examiner shall not have authority to hear appeals of legislative decisions made by the City Council including zoning decisions, development agreement approval, land use ordinance amendments, vacation of public streets and rights-of-way, and General Plan amendments.

19.03.13. Requests to Appear Before the Hearing Examiner.

1. Any adversely affected person or entity wishing to appeal a decision made by the Planning Director, Planning Commission, City Council, or other land use authority in applying the land use ordinance, or to request a variance, may commence such action by submitting a complete application to the Planning Director and paying the applicable filing fees.
2. The Planning Department shall accept and process such forms only if they are properly completed and accompanied by the filing fee in the current amount set by the City Council. To be heard at any meeting of the Hearing Examiner, such forms must be received in proper form with the filing fee properly filed within ten calendar days of the date the contested decision was issued in writing, or it shall be time-barred and not heard.
3. The application shall set forth all allegations of error to the Hearing Examiner. Any allegation not made in the application shall be waived, unless the new allegation was made pursuant to an amended application within the same time limits as the original application. No time periods shall be extended or tolled.
4. The applicant shall bear the burden of proof that an error was made.

19.03.14. Hearing Examiner Appeal Procedure.

1. Upon receipt of the request forms, the Planning Director shall forthwith notify the Hearing Examiner, and notice shall also be given as required elsewhere by this ordinance and state law.
2. If the Hearing Examiner finds that the request forms were properly filed and the filing fee paid, the Hearing Examiner shall hold a public hearing within 45 days and take action on the request within 30 days after the hearing.
3. Decisions of the Hearing Examiner shall become effective at the time a written decision is issued.

19.03.15. Hearing Examiner Appeal Hearing.

1. The Hearing Examiner shall fix a reasonable time for hearing the appeal. The City Recorder shall provide public notice by publication at least five days prior to the date of the hearing.
2. The intent in requiring a hearing is to enable the Hearing Examiner to obtain facts surrounding the case which may not be evident, or which may not be shown in the written record submitted to the Hearing Examiner.

3. The decision of the Hearing Examiner shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the hearing.
4. Any party may appear at the hearing in person or through an agent or attorney.
5. All appeal hearings shall be open to the public and shall be recorded.

19.03.16. Action Taken by the Hearing Examiner; Standard of Review for Appeals.

1. **Review.** An appeal shall be reviewed only when the Hearing Examiner finds that the adversely affected party has complied with and completed all of the forms, procedures, and rules.
2. **Approval.** If an appeal or variance request is approved, the Hearing Examiner shall enter into the official minutes the specific reasons for approval and any conditions or limitations of the approval.
3. **Denial.** If the decision of the Hearing Examiner is to deny an appeal or variance request, the Hearing Examiner shall enter into the official minutes the specific reasons for denial.
4. **Standard of Review.** In determining whether to approve or deny the appeal, the Hearing Examiner shall:
 - a. Presume that the decision is valid;
 - b. Review the record to determine whether the decision was arbitrary, capricious, or illegal; and
 - c. Affirm the decision if it is supported by substantial evidence in the record.

19.03.17. Rules for Hearing and Deciding Appeals.

When the Hearing Examiner acts under his or her power to hear and decide appeals for authorized matters, the Hearing Examiner shall not grant the reversal or relief appealed for unless it finds that all of the following standards have been met:

1. The appellant has paid the applicable application fee and filed a properly completed application for appeal, which states with specificity the nature of the alleged error and how the appellant has been adversely affected by such alleged error.
2. The application for appeal was properly filed with the Hearing Examiner within 10 calendar days of the decision being appealed.
3. The appellant must have been adversely affected by the subject decision applying the land use ordinance.

4. If the appellant fails to list any allegation of error to the Hearing Examiner, the appellant shall lose all rights to appeal to district court the allegation not made.
5. The decision being appealed must be a decision in applying and interpreting this Title, Chapter 10-9a of the Utah Code, or a land use ordinance of the City of Saratoga Springs.
6. If the Hearing Examiner grants the appellant's request, the decision must be consistent with the provisions of the land use ordinance and not waive or modify any of the terms or requirements thereof.
7. The appellant has the burden of proving that an error was made and must clearly meet that burden based on the facts presented for the record; expressions of support, protest, or other public clamor shall not constitute the basis of approval or denial.

19.03.18. Provisions for Hearing and Ruling on Variances.

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or holds some other beneficial interest in may apply to the Hearing Examiner for a variance from the terms of Title 19.
2. Prior to filing an application for a variance with the Hearing Examiner, the applicant must have applied for a permit, or other land use approval, and have been denied such by the City or land use administrative officer or agency of the City of Saratoga Springs, based on the specific requirement that is the subject of the variance. If there were multiple reasons for denial, the approval of a variance of one requirement shall not relieve the applicant of the need to meet the remaining standards of the ordinance. The requirements of this subsection may be waived by the City Planner after consulting with the City Attorney to determine that the application would be required to be denied if submitted.
3. The Hearing Examiner may not hear a request for a variance unless the applicant has filed a properly completed application and paid the application fee. The application shall contain the following information:
 - a. the normal or standard amount of area, distance, size, or volume required by the land use ordinance;
 - b. the specific amount of variance being requested;
 - c. an explanation of why an unreasonable hardship exists;
 - d. the special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - e. the reasons why granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
 - f. all other information required by the application form.
4. The substance of the application for a variance must be a request to vary the requirements for height, bulk, width, setback, or other numerical or quantitative, as distinguished from

approval to have a land use that is not listed as permitted in a zone. For example, the Hearing Examiner may not grant a “use variance.”

5. The Hearing Examiner may grant a variance only if the requirements of Utah Code § 10-9a-702 are met. The following is that section’s pertinent provisions, which may be amended from time-to-time by the Utah Legislature:
 - a. The Hearing Examiner may grant a variance only if:
 - i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the City’s land use ordinances;
 - ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - iv. the variance will not substantially affect the General Plan and will not be contrary to the public interest; and
 - v. the spirit of the land use ordinance is observed and substantial justice done.
 - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (5)(a), the Hearing Examiner may not find an unreasonable hardship unless the alleged hardship:
 - i. is located on or associated with the property for which the variance is sought;
 - ii. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
 - iii. is not self-imposed or economic.
 - c. In determining whether or not there are special circumstances attached to the property under Subsection (5)(a), the Hearing Examiner may find that special circumstances exist only if the special circumstances:
 - i. relate to the hardship complained of; and
 - ii. deprive the property of privileges granted to other properties in the same zone.
 - d. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - e. In granting a variance, the Hearing Examiner may impose additional requirements on the applicant that will:
 - i. mitigate any harmful effects of the variance; or
 - ii. serve the purpose of the standard or requirement that is waived or modified.
6. In addition to the requirements of Utah Code § 10-9a-702, the following standards shall apply:
 - a. The Hearing Examiner shall not grant a variance greater than the minimum amount necessary to afford relief.
 - b. Variances run with the land.

19.03.19. Notification and Duration of Approval.

1. Within thirty days after the Hearing Examiner hears an appeal or variance request, the Hearing Examiner shall issue a written decision or order, which may consist of a signed document authored by the Hearing Examiner or the approved written minutes prepared by the City Recorder and signed by the Hearing Examiner. The City Recorder shall mail a copy of the final written decision or order within three days after receipt to the applicant at the address supplied in the application form.
2. The decision of the Hearing Examiner shall be deemed final as of the date the written decision or order is dated and signed.
3. A variance shall terminate one year from the date of the decision of the Hearing Examiner, unless the Hearing Examiner makes findings that a different date is necessary for substantial justice to be done and sets a different termination date as a condition of approval. Decisions regarding appeals of alleged error shall not have a termination date.

19.03.20. Recourse from Actions Taken by the Hearing Examiner.

1. Any person adversely affected by any decision of the Hearing Examiner may file a petition with a Court of competent jurisdiction for a review of that decision. Any such appeal or petition shall be barred unless it is filed within 30 days of the date when the decision becomes final, which is the date said decision is signed and dated by the Examiner. The petition shall be limited to a review of the record to determine whether the decision was arbitrary, capricious, or illegal.
2. The Hearing Examiner shall transmit to the reviewing court the complete record of its proceedings, including applications, exhibits, minutes, findings, and any audio recordings which may be on file with the City Recorder. If there is a record, the review of the Court is limited to the record, and the Court may not accept or consider evidence outside of the record unless it determines that there is an insufficient or inadequate record. If there is no record, the Court may call witnesses and take evidence.
3. The Court shall affirm the decision of the Hearing Examiner if the decision is supported by substantial evidence in the record.
4. Filing a petition for review with the Court does not automatically stay the decision of the Hearing Examiner.
 - a. Before filing the petition for review with the Court, the aggrieved party may petition the Hearing Examiner to stay his or her decision. The Hearing Examiner shall take action on any petition to stay only in a meeting where proper notice was given. Upon considering such petition to stay, the Examiner may grant the stay if it finds such to be in the best interests of the City.

- b. After filing a petition for review with the Court, the petitioner may seek an injunction staying the decision of the Hearing Examiner.
5. No decision of the Hearing Examiner shall be subject to rehearing by the Examiner, except when remanded from a court of competent jurisdiction.

19.03.21. Power and Duties of the City Council.

1. The powers and duties of the City Council concerning land use and planning are mainly found in Utah Code Chapter 10-9a and Title 19.
2. This Section and the Utah Code govern the procedures whereby the City Council may adopt or amend the General Plan for the City of Saratoga Springs.
3. The City Council may amend, change, or modify any provisions of the General Plan, land use ordinances, or zoning map provided that:
 - a. the proposed amendment, change, or modification has first been reviewed by the Planning Commission or submitted to it for its recommendations in accordance with Section 3.05.04 and Chapter 19.17 of this Code;
 - b. before taking action, the City Council has first held a public hearing on the proposed amendment; and
 - c. where necessary, the City Council shall amend the General Plan, land use ordinances, or zoning map to ensure consistency.
4. The City Council shall take action to approve or deny Conditional Uses, Preliminary Plats, and Final Plats of development projects by following the land use ordinances of the City. The City Council may from time to time, by resolution, delegate such duties as are deemed appropriate for the efficient and orderly conduct of City business.
5. The City Council shall perform other duties as required under the terms of this ordinance or state law.

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.

19.05.01. 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.

a.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.

3.4. **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.

4.5. **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.

5.6. **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.

6.7. **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.

7.8. **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.

8.9. **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.

9.10. **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.

~~10.~~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.

~~11.~~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.

~~12.~~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.

~~13.~~14. **Swimming Pool (private).** Private swimming pools may be allowed in any zone as an accessory use if the following requirements are met:

- 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. on 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-five feet from such lot line;
- 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.

~~14.~~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.

15.16. 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.

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

17.18. 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 structure within a public utility easement. 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.~~ **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.~~ **20. Temporary Sales Trailers.** The following regulations shall pertain to all Temporary Sales Trailers:

- a. the trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots. Sales trailers that are off-site from the project area are prohibited;
- b. water, power, and sewer services shall be available to service the trailer. Such trailers must have bathroom facilities within the trailer that are accessible to the public and any employees that may work in the trailer;
- c. the trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official;
- d. the trailer must receive a building permit from the City and must also have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to building permit issuance. At the time of building permit issuance a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site;
- e. no trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months. Trailers shall be removed within thirty days of the expiration of the occupancy permit. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period;
- f. a signage plan shall be submitted with any application for a temporary sales trailer and must be in compliance with the City's ordinances governing signs; and
- g. failure to comply with any of the conditions of a temporary sales trailer permit shall be considered justification for the revocation of such a permit by City Staff.

19.05.03. Wireless Telecommunication Equipment.

1. **Wall mounted antennas.** Wall mounted antennas are permitted uses in all land use zones. Wall mounted antennas larger than five square feet may not be placed on a residential building or structure. Wall mounted antennas must comply with the following criteria:
 - a. Wall mounted antennas shall not extend above the roof line of the building more than ten feet, and whip antennas shall not extend above the roof line of the building more than ten feet.
 - b. City Staff may require antennas and all associated equipment to be painted to match the color of a non-residential building or structure.

- c. Wall mounted antennas may have a maximum area of forty square feet per each side of a non-residential building or structure. The area is determined by drawing straight lines around the outermost portions of the antennas until enclosed.
- d. All equipment associated with the use, excluding the antenna, must be screened by a view obstructing structure.
- e. If the associated equipment is located on the ground it must be appropriately landscaped.

2. **Roof mounted antennas.** Roof mounted antennas are permitted uses in all land use zones. Roof mounted antennas larger than five square feet may not be placed on a residential building or structure. The following provisions and any applicable provisions in sub-section one above shall apply to roof mounted antennas:

- a. roof mounted antennas can only be mounted on structures with flat roofs. Exceptions may be granted by City staff with the following stipulations:
 - i. the antenna will be mounted on the roof of a building such that the building will obstruct the view of the antenna from the front of the building; and
 - ii. the antenna will be less visible from ground level than the typical antenna mounted on a flat roof.
- b. roof mounted antennas must be set back from the front building edge one foot for every one foot of antenna height to a maximum of ten feet; and
- c. if possible and feasible, roof mounted antennas shall co-locate on City-owned buildings and structures.

3. **Free-standing antennae or towers.**

- a. Mono-pole towers. Mono-pole towers are required to obtain Conditional Use approval prior to construction.
- b. Other free-standing structures. Free-standing antennae or towers are required to obtain Conditional Use approval prior to construction.
- c. Co-location on existing mono-pole towers is a permitted use in any land use zone. However, if the compound area needs to be expanded to handle additional equipment and the site is located in a land use zone that requires mono-pole towers to get a Conditional Use permit, then the expansion is also a Conditional Use.
- d. Maximum height limits for free-standing antennae or mono-pole towers for defined land use zones are as follows:

i. Agricultural (A):	100 feet
ii. Rural Residential (RR)	100 feet
iii. Low Density Residential (R-1)	100 feet
iv. Low Density Residential (R-2)	35 feet
v. Low Density Residential (R-3)	35 feet
vi. Medium Density Residential (R-6)	35 feet
vii. Medium Density Residential (R-10)	35 feet
viii. High Density Residential (R-14)	35 feet
ix. High Density Residential (R-18)	35 feet
x. Neighborhood Commercial (NC)	40 feet

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|-------------------------------|----------|
| xi. Mixed Use (MU) | 40 feet |
| xii. Regional Commercial (RC) | 40 feet |
| xiii. Office Warehouse (OW) | 100 feet |
| xiv. Industrial (I) | 100 feet |
- e. The maximum height limits include the height of any structure on which the free-standing antennae or mono-pole may be located.
4. **Ham radio towers.** Ham radio towers or any other radio or antennae facilities are regulated by the FCC as well as individual homeowners associations (HOA's) through restrictive covenants or other regulating documents.

19.05.04. Non-Depository Institution.

Non-Depository Institutions are permitted as a Conditional Use within the Regional Commercial Land Use Zone (RC), subject to the following restrictions:

1. Shall not be located within 5,280 feet (one mile) of the same type of use inside or outside the City of Saratoga Springs geographical boundaries. This distance will be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
2. Shall conform with all requirements in Chapter 19.14, Site Plan Review, Land Development Code of Saratoga Springs and other applicable requirements within the Code as determined by City staff. In addition, the following will also be required:
 - a. the color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part;
 - b. at least twenty-five percent of the first floor facade that faces a public street, drive aisle or sidewalk shall consist of windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level;
 - c. the use of bars, chains or similar security devices that are visible from a public street, drive aisle or sidewalk shall be prohibited; and
 - d. the use of neon lighting shall be prohibited on the building exterior or exterior building signage.
3. Shall conform to the Sign Regulations as described in Chapter 19.18.
4. Shall be limited to one non-depository institution per 10,000 in population to include all residents of Saratoga Springs within the City's geographical boundaries. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

19.05.05. Farm Animals in the A, RA-5, and RR Zones.

Farm animals, as defined in Section 19.02.02, are permitted in the A, RA-5, and RR land use zone on lots at least ¼ of an acre in size subject to the following regulations:

1. No large or medium farm animals shall be kept within sixty feet of any dwelling or within thirty feet of any zone boundary that prohibits such use.
2. Large animals may be kept at a ratio of two animals for each ½ acre of lot size; medium animals may be kept at a ratio of five animals for each ½ acre of lot size; and small animals may be kept at a ratio of twenty animals for each ½ acre of lot size.
3. Partially enclosed (and roofed) structures may be provided and maintained for all animals. Such structures shall be sited at the rear of the main dwelling and at least seventy-five feet from any dwelling, comply with all other setback and yard regulations of the zone and shall comply with the requirements of the Utah County Health Department.
4. For the purpose of calculating the correct ratio of animals to property size, no increment smaller than ½ acre will be considered. For instance, a ¾ acre lot is only allowed to have two large animals since the property only contains one ½ acre increment. Approved Equestrian Centers may exceed the provisions of this Section with respect to the number of animals permitted on the premises at any given time as per specific conditions that will be provided with the Conditional Use approval of each individual facility.

19.05.06. Keeping Chickens in the R-1, R-2, and R-3 Zones.

1. Residents in the R-2 and R-3 zones may keep and maintain chickens on their property subject to the requirements of this Section and any other applicable provision of this Code. This Section prohibits the keeping of other fowl (e.g. pheasants, turkeys, peacocks, etc.). Keeping of chickens shall be permitted within the R-2 and R-3 zones; however, this ordinance does not supersede any covenants, conditions, restrictions (CC&Rs), bylaws, or other protective covenants of any subdivision.
2. The guidelines and requirements of this Section are intended to:
 - a. minimize nuisance to neighboring property owners;
 - b. prevent rodent, insect, vermin, and pest proliferation;
 - c. prevent the spread of disease; and
 - d. allow residents to provide for themselves and produce food for the exclusive benefit of their families.
3. The following standards of care are required where the provisions of this Section apply:
 - a. Hen chickens (but not roosters) may be kept on a non-nuisance basis for the sole purpose of producing eggs, with no sale or income resulting from the keeping of chickens. For purposes of this Subsection only, chickens adversely affecting the physical health, which physical health condition must be documented, of an individual of an adjacent lot owner shall be considered a nuisance.
 - b. Up to ten hen chickens may be kept on any one lot or parcel.
 - c. Chickens may be kept on properties containing a single family dwelling only.
 - d. Chickens shall be confined within a secure outdoor enclosed area. A fenced back yard does not meet this requirement.

- e. All enclosures, pens, coops, and run areas shall be maintained in good condition so as to keep it rodent and predator resistant from all sides, including burrowing.
 - f. Manure and odor producing excrement shall be removed from all enclosures, pens, coops and run areas as necessary to prevent any odor detectable at a property line. Furthermore, such manure and excrement shall be bagged and disposed of properly, and onsite composting of such shall be prohibited.
 - g. All enclosures, pens, coops, and run areas shall be kept and maintained in a clean and sanitary condition.
 - h. All enclosures, pens, coops, and run areas shall be located to the rear of the main dwelling or in an interior side yard. There shall be no visible evidence of chickens from neighboring properties from ground level. All enclosures, pens, coops, run areas, or compost piles which may contain chicken waste shall be located at least ten feet from any property line, six feet from the main dwelling on the property, and at least thirty feet from the nearest residential dwelling on adjoining properties.
 - i. All animal food storage shall be completely secured from insects, rodents, and other vermin.
 - j. Clean water shall be available to the chickens at all times.
 - k. Dead birds or rotting eggs shall be removed within ten hours and in accordance with Title 9 of the City Code.
 - l. Slaughtering of chickens shall not be visible to adjoining property owners or the public. Section 9.01.09 of the City Code shall not be applicable to the slaughtering of chickens as long as such slaughtering is done in a humane manner.
4. The following standards for Runs, Structures, and Coops shall apply:
- a. Keeping of chickens shall require construction and utilization of a run area and a coop. The coop shall be constructed to provide adequate shelter and space for chickens to roost. Run areas shall be connected to the coop and provide some method by which chickens are not allowed to roam freely beyond the run area. This would include the possibility of flying out of the run area. Run areas must also prevent intrusion, including burrowing, from predatory animals.
 - b. Structures and coops used for keeping and feeding chickens shall be designed and constructed as follows:
 - i. with solid walls on all sides, exclusive of openings for animals and access to animals;
 - ii. with a solid roof;
 - iii. so as to prevent intrusion, including burrowing from all types of rodents, vermin, and predatory animals;
 - iv. that they resemble typical accessory buildings and are not unsightly;
 - v. using building materials and coloration compliant with requirements within subdivision CC&Rs or, if there are no such CC&Rs, consistent with the materials used for the primary residence; and
 - vi. that they be appropriately secured or anchored to the ground.
 - c. For structures or coops of large enough size, or those being altered, that would require a building permit, the owner shall apply for and be issued a permit by the City prior to construction or alteration.

- d. Any electrical installation for a structure or coop must comply with current electrical codes.

19.05.07. Outdoor Vending Machines.

1. Two outdoor vending machines are allowed per parcel.
2. All outdoor vending machines shall be located adjacent to the building and within fifty feet of the main building entry, and shall meet all current Building and Fire Code standards and may not impede pedestrian or vehicular access.
3. Outdoor vending machines must include and employ a mechanism that allows for all lighted exterior advertisement to be turned off by 11:00 p.m. daily.
4. Outdoor vending machines may be placed within parks and recreation areas adjacent to buildings or facilities associated with such uses.
5. Outdoor vending machines are prohibited in all residential zones except where located at HOA maintained facilities such as clubhouses, pools, and other structures.

19.05.08. Beekeeping.

Beekeeping is a permitted use in any residential or agricultural zone so long as the requirements of this section are met, which are intended to reduce the problems that may otherwise be associated with beekeeping in populated areas. Covenants, conditions, and restrictions (CC&R's), bylaws, or other protective covenants of any subdivision shall not be enforced by the City.

1. **Certain Conduct Unlawful.** It shall be unlawful for a person to maintain a beehive in violation of this Section or to keep any bee colony on any property in a manner that threatens public health or safety or creates a nuisance. Furthermore, it is unlawful and a violation of this Section to maintain a beehive or keep any colony that constitutes a nuisance due to its impact on the neighborhood.
2. **General Requirements.**
 - a. A beehive may be maintained in a side or rear yard of a residential lot as provided below:
 - i. No more than two beehives per 5,000 square feet is allowed.
 - ii. Beehives shall have a maximum height of 5 feet.
 - b. Any number of beehives is permitted in the RR, RA-5, and A Zones.
 - c. A person shall not locate or allow a beehive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
3. **Beekeeper Registration.** Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

4. Additional Requirements of Beehives.

- a. Bee colonies shall be kept in beehives with removable frames, which shall be kept in sound and usable condition.
- b. Beehives shall be placed at least five feet from any property line and six inches above the ground, as measured from the ground to the lowest portion of the beehive.
- c. Beehives shall be operated and maintained as provided in the Utah Bee Inspection Act.
- d. Each beehive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
- e. Beehives on lots less than ½ acre shall be maintained within an enclosed yard or enclosed section of the property such that the enclosure will deter small children from approaching the beehive.
- f. All federal, state, and local health requirements, rules, and certification processes must be followed in the processing and sale of honey, honeycomb, or other beekeeping byproducts produced in beehives by this Section.
- g. In the event of a conflict between any regulations set forth in this Section and bee management regulations adopted by the Utah County Health Department or the State of Utah, the most restrictive regulations shall apply.

5. Flyways.

- a. A beehive shall be placed on property so that the general flight pattern of the bees is in a direction that will deter bee contact with humans and domesticated animals.
- b. If any portion of a beehive is located within fifteen feet from an area which provides public access or from an adjacent lot or parcel, as measured from the nearest point on the beehive to the property line or area, a flyway barrier at least six feet in height shall be established and maintained around the beehive except as needed to allow access.
- c. Such flyway, if located along the property line or within five feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, and extend at least ten feet beyond the beehive in each direction so that bees are forced to fly to an elevation of at least six feet above ground level over property lines in the vicinity of the beehive.
- d. Any flyway shall not extend over an adjacent property line.

6. Water.

- a. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year.
- b. The source of water shall be in a location that minimizes any nuisance created by honeybees seeking water on neighboring property.

7. Removal of Beekeeping Equipment.

- a. A property owner shall ensure that no bee comb, beehive, or other beekeeping equipment is left upon the grounds where a beehive has been maintained.

- b. Upon discontinuance or removal of a beehive, all beekeeping equipment shall be disposed of within 30 days in a sealed container or placed within a building or other bee-proof enclosure.

19.05.09. Residential Facilities for Persons with a Disability.

1. Purpose. The purpose of this Section is to:
 - a. comply with Utah Code § 10-9a-520;
 - b. comply with the Utah Fair Housing Act and the federal Fair Housing Act for persons with a disability;
 - c. provide reasonable accommodations as required by the federal Fair Housing Act for persons with a disability; and
 - d. sustain and reinforce the existing land uses identified in the Land Development Code.
2. Definitions. For the purpose of this section, certain words are defined in section 19.02.02 or in the Utah Municipal Land Use, Development, and Management Act.
3. Applicability. This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility and disabled person as set forth in section 19.02.02.
4. A residential facility for persons with a disability shall be allowed in all zones described in this title. Each such facility shall conform to the following requirements:
 - a. The facility shall comply with all building, safety, health, environmental, and fire regulations and any requirements set forth in any permit issued by a state agency.
 - b. The following on-site and off-site development standards shall be applicable:
 - i. Each facility shall be subject to minimum site development standards applicable to a dwelling in the zone that the facility is located;
 - ii. Each facility shall be required to provide proof of sufficient access to water;
 - iii. Each facility shall be required to provide proof of adequate ability to dispose of waste water and sewage;
 - iv. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy and density in the same zone; and
 - v. Each facility shall be required to provide road access that meets City minimum standards as determined by the City Engineer, in consultation with emergency service providers.
 - c. No facility shall be made available to an individual who has demonstrated, as a resident, that they:
 - i. Constitute a direct threat to the health or safety of other individuals;
 - ii. Engage in conduct resulting in substantial physical damage to the property of others; or
 - iii. Currently use or distribute illegal controlled substances.

- d. Prior to occupancy of the facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall:
 - i. Provide a certified copy of such license to the City Planner and Recorder;
 - ii. Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act; and
 - iii. Certify, in a sworn affidavit submitted with the application for a business license, that no person will remain in the facility whose behavior has demonstrated a direct threat to the health or safety of other individuals or whose behavior has resulted in substantial physical damage to the property of others.
 - e. The use permitted by this section is nontransferable and shall terminate if:
 - i. A facility is used other than a residential facility for persons with a disability;
 - ii. The license or certification issued by the department of human services or department of health terminates or is revoked; or
 - iii. The facility fails to comply with the conditions set forth in this section.
 - f. In all residential and agricultural zones, whether or not there is a PUD Overlay Zone, no residential facility for persons with a disability shall exceed four residents, not including staff or the family that owns the residence.
 - g. No residential facility for persons with a disability, licensed for the housing of persons, shall be established or maintained within one thousand feet measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
 - i. Another residential facility for persons with a disability;
 - ii. A residential facility for elderly with more than five elderly persons in a residence; or
 - iii. Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, nonresidential treatment facility, and public school.
 - h. No residential facility for persons with a disability shall be permitted in the NC, RC, OW, BP, IC, industrial zones, or any zone that does not permit single family residences.
5. Reasonable Accommodations. None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
- a. Any person or entity who wishes to request a reasonable accommodation shall make application to the City Council. Such application shall specifically articulate, in writing, the following:
 - i. The name, mailing address, and phone number of the applicant;
 - ii. The nature and extent of the disability;
 - iii. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 - iv. The applicant's proposed reasonable accommodation;
 - v. A statement detailing why a reasonable accommodation is necessary; and

- vi. The physical address of the property where the person with a disability intends on living.
- b. When considering whether or not to grant a reasonable accommodation, the City Council shall use the following factors:
 - i. The zoning regulations applicable to the property;
 - ii. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
 - iii. Whether or not the accommodation will be an undue burden or expense to the City;
 - iv. The extent that the accommodation will or will not benefit the applicant;
 - v. The extent that the accommodation will or will not benefit the community;
 - vi. Whether the accommodation fundamentally alters the City-wide Land Development Code and General Plan;
 - vii. Whether the applicant demonstrated that the accommodation will affirmatively enhance the applicant's use of his property or ameliorate the effects of the persons' disability;
 - viii. Without the accommodation, whether similar housing is available in Saratoga Springs for the persons with a disability; and
 - ix. Given the scope of the accommodation requested, what the impact is on the immediate neighborhood.
- c. Written findings and conclusions of the City Council's decision shall be sent to the applicant within thirty days of the decision; and
- d. If a request for a reasonable accommodation is denied, the decision may be appealed directly to district court.

19.05.10. Temporary Uses.

1. Purpose and Intent. The purpose and intent of the Temporary Use section is to allow certain uses within the City of Saratoga Springs which are temporary, or seasonal in nature, in a manner that such uses will be compatible with the land use zone and adjacent properties. A Temporary Use, which is subject to the following provisions in this Section, is typically a commercial business venture for which a business license is required and which is conducted on private property.

1.2. Uses: The following are acceptable Temporary Uses, as defined in Section 19.02.02:

- a. Produce Stand or Farmers Market
- b. Fireworks Stand*
- c. Christmas Tree Lot
- d. Snow Shack or Ice Cream Vendor*
- e. Pumpkin Patch
- f. Festivals including Bazaars or Fairs
- g. Temporary Retail (tent or sidewalk sale)*
- h. Mobile Food Vendors*

* These uses are limited to non-residential and agricultural zones, unless occurring as part

of a City approved special event, or wholly within the property boundaries of an institutional use.

2.3. Standards for Temporary Uses. A Temporary Use shall comply with the general standards as provided within this section ~~and any additional requirements determined to be necessary by the Planning Department:~~

- a. ~~A minimum of two parking spaces shall be available, in addition to other necessary appropriate space shall be available for any off-street parking and traffic circulation generated by the Temporary Use, without obstructing required parking for any host business. Roadside stands for produce or temporary retail sales~~All Temporary uses except for roadside stands require curb, gutter, and a paved surface on site.
- b. ~~All uses except roadside stands are required to provide sanitary facilities shall be available for waste disposal for protection of community health and safety. This may be met through agreement with a host business or through temporary restroom facilities.~~
- c. Night lighting shall be compatible with adjacent uses. This requires all lighting to be shielded and directed downward to avoid light spill onto adjacent properties.
- d. All signs must comply with City adopted sign regulations.
- e. ~~A use and/or display may not be placed within the right-of-way or on any landscaped area.~~
- e.f. ~~No temporary use may occur within the clear view triangle of any intersection.~~
- f.g. ~~No more than two one temporary uses are is allowed per lot or parcel at any one time, including those approved by the Planning Commission.~~
- g.h. ~~An When electricity will be utilized, an~~ electrical permit must be obtained from the Building Department prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
- h.i. ~~Accessibility requirements must be addressed with the Building Department prior to any sales occurring.~~
- i.j. ~~Where temporary structures are proposed, a~~An inspection with the Fire Department is required prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
- k. Hours of operation shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.
- l. ~~Mobile Food Vendors shall be permitted only when hosted by an existing brick-and-mortar business, meaning a permitted business in a permanent structure, and when a written approval is granted by all other brick-and-mortar businesses within 300'.~~

3. **Planning Commission Review.** When considered appropriate by the Planning Director, a Temporary Use may be referred to the Planning Commission for review.
4. **Permit Required.** A Temporary Use Permit and Business License shall be required for all Temporary Uses.
5. **Application for a Temporary Use Permit.** An application for a Temporary Use Permit shall be made to the Planning Department, in conjunction with a business license, at least

14 days prior to the date of requested use. No Temporary Use Permit shall be issued more than 90 days prior to the start of the Temporary Use period. The Planning Department may issue or deny the application for a Temporary Use Permit based on the criteria herein.

6. **Information Required for Application.** An application for a Temporary Use Permit shall be accompanied by the following:
- a. **Description.** A written description of the proposed use including requested length of permit, location(s), structure or vehicle type, and date(s) and hour(s) of operation, and any other information verifying compliance with the standards of this Code.
 - b. **Authorization for Use.** If the applicant is not the owner of the property, the ownership shall be identified along with written evidence of permission of the owner for such use to take place, dated no more than three months prior to the application.
 - b.c. If applicable, written approval from adjacent brick-and-mortar businesses.
 - d. **Site Review.** A vicinity map and site plan with sufficient information to determine the primary use of the property and the required site requirements, sanitary facilities, and availability of parking to serve the uses.
 - e.c. Applicable fees.

7. Duration of Temporary Use Permit.

- a. A Temporary Use Permit for a produce stand, farmers market, snow shack, or ice cream vendor is allowed May 1 through October 31 of each calendar year for a period not to exceed five months in a calendar year.
- b. A Temporary Use Permit for a Christmas tree lot is allowed the day before Thanksgiving through December 25 of for a period not to exceed forty-five days each calendar year.
- c. A Temporary Use Permit for a fireworks stand, pumpkin patch, festivals including bazaars or fairs, and temporary retail are allowed for 30-forty-five days.
- d. A Mobile Food Vendor is allowed for a maximum of four days per month over a period of time not exceeding twelve months in a single permit. Locations and dates for the duration of the permit shall be provided at time of permit application.

~~7.8.~~ **Renewal of Temporary Use Permit.** The application fee shall be reduced by 50% for all previously approved Temporary Use Permits requesting renewal that have not altered their proposal in terms of scope, layout, intensity, duration, or location(s) from the previously approved permit.

9. **Bond Required.** All temporary uses on private property shall post a \$500 cash bond to ensure the clean-up of the property after the use is removed; all temporary uses on public property shall post a \$1000 cash bond for this purpose.

~~8.10.~~ **Revocation of Temporary Use Permit.** A Temporary Use Permit may be revoked by the Planning Director in accordance with the provisions of this section if the recipient of the permit fails to develop or maintain the property in accordance with the

plans submitted, the requirements of this section, or any additional requirements lawfully imposed in connection with the issuance of the Temporary Use permit.

Chapter 19.12. 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. 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.

a.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.

~~5.6.~~ **Phased Developments.** If the construction of various portions of any development is proposed to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwellings intended to be developed during any stage of construction.

- a. A Phasing Plan, including size and order of each phase and schedule of improvements to be installed, shall be approved by the City Council.
- b. Each phasing plan shall have the written approval of all property owners and shall be recorded on each plat and recorded lot.

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. An application for a Preliminary Plat shall follow the approved City format and must contain the following information:
- a. Application form, applicant certification, and application fee.
 - b. Preliminary title report.
 - c. Soils report.
 - d. Hydraulic and Hydrologic storm drainage calculations.
 - e. Traffic report when required by Planning Commission or Development Review Committee.
 - f. 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 of buildable land, percentage of open space or landscaping, and net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
 - g. 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).
 - h. Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.
 - i. Preliminary Plat: Five 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. Additional copies will be required prior to adding the application to the Planning Commission 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 contain the following items:
 - i. General Layout:
 1. Name and address of owners of land and name and address of developer if different than owner.
 2. Name of land surveyor.
 3. The location of the proposed subdivision with respect to surrounding property and streets.
 4. The name of all adjoining property owners of record, or the names of adjoining developments.
 5. The names and location of adjoining streets and all facilities within 100 feet of the platted property.
 6. 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).
 7. Subdivision name cleared with Utah County.
 8. North arrow.
 9. A tie to a permanent survey monument at a section corner.
 10. The boundary lines of the project with bearings and distances and a legal description.
 11. Layout and dimensions of proposed lots with lot area in square feet.

12. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, etc.
 13. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
 14. Proposed road cross sections.
 15. Vicinity map.
 16. Proposed fencing.
 17. Signature blocks for preliminary approval by Planning Commission and City Council.
 18. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.
 19. Proposed methods for the protection or preservation of sensitive lands.
- ii. Grading and Drainage Plans:
 1. Topography at two-foot intervals.
 2. Road and lot layout.
 3. Areas of substantial earth moving with erosion control plan.
 4. Location of existing water courses, canals, ditches, springs, wells, culverts, and storm drains.
 5. Location of any flood plains, wetlands, and other sensitive lands.
 6. Location of 100-year high water marks of all lakes, rivers, and streams.
 7. 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.
 8. 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.
 - vi. 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.
 - 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 approved

| submitted and all applicable fees have been paid so long as ~~the~~ any Preliminary Plat approval has not expired.

- b. Upon receipt of an application for a Final Plat, the following process shall be followed:
 - i. 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.

2. **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. Itemized construction cost estimate.
 - f. 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.

- g. Final Subdivision Plat: Final subdivision plats shall be detailed in ink on reproducible Mylar sheets that are 24" x 36". Five full-size 24" x 36" sheets and seven 11" x 17" copies shall be submitted. Additional copies will be required prior to the Planning Commission meeting where final plats are scheduled for 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. In addition, all final plats shall include (or be accompanied by) the following:
- i. Subdivision name and location.
 - ii. Description of land to be included in the subdivision with appropriate survey ties to existing section corners.
 - iii. The total subdivision area.
 - iv. Width and names of existing and proposed roads.
 - v. Drawing scale to be no smaller than one inch = 100 feet.
 - vi. Lot dimensions, property line bearings, and area.
 - vii. Building envelope shown on each lot where slopes are greater than ten percent.
 - viii. Lot numbers.
 - ix. Easements.
 - x. Street monument locations.
 - xi. Fire hydrant locations (every 500 feet).
 - xii. Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).
 - xiii. Boundary fences.
 - xiv. Flood plain boundaries as indicated by the Federal Emergency Management Agency.
 - xv. Certificate of Survey.
 - xvi. Signature blocks per the City standard plat.
 - xvii. Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27.
 - xviii. 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 of buildable land, percentage of open space or landscaping, and net density of dwellings by acre.
 - xix. Any and all notes listed on the approved City standard plat.
 - xx. Construction Drawings containing the following:
 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.
- xxii. File of all plans in pdf format.

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

19.12.04. Condominium Process and Approval Procedure.

1. All condominium projects shall receive Site Plan and Preliminary Plat approval as required by this Title. Both approvals may occur concurrently.
2. Upon approval or filing of a Site Plan 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 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 ~~shall should conform to 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 by the City Council so long as such roads meet the same standards and requirements for public roads in the City except that park strips are not required.
 - e. 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 (single-family, multi-family, or any type or combination thereof) 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

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4.2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.

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.
- c. Improvements must be completed within twenty-four months of recording the Final Plat, unless a shorter period is otherwise provided in a development or bond agreement.
- d. Road access must be provided as approved by the City Engineer and Fire Department.
- e. 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.

19.12.07. Minor Subdivision Approval Procedure.

Applications to subdivide a parcel into ~~two or three~~ maximum of four parcels ~~where the construction of off-site improvements to service the created parcels is not required~~ 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 created through a Minor Subdivision 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.
- c. Minor Subdivisions shall only be considered in the A, RA-5, RR, and R-1 zones.
- d. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.

~~1.2.~~ **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.

2.3. **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 ~~four days~~ prior to the meeting where the Planning Commission will review the Final Plat application.

3.4. **Planning Commission.** The Planning Commission shall conduct a public hearing and review the proposed Final Plat ~~and to~~ determine whether it is in compliance with the City Code.

- a. If the proposed plat complies, the Planning Commission shall ~~recommend~~ approve that it be approved by the City Council 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 ~~recommending City Council~~ taking final action.

4. ~~Recordation.~~ If the Planning Commission recommends that a proposed 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.

5. ~~If the City Council finds that the plat is in its correct 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 plat.~~

6. ~~If the City Council determines that the plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct the City staff to return the proposed plat to the applicant, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.~~

7. ~~—~~

8.5. 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.

9.6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:

- a. application form completed and application fee paid;
- b. ~~signed easements and agreements with adjacent property owners for necessary off-site facilities or other matters pertinent to the subdivision if not already submitted;~~
- c. ~~signed Home Owners Association incorporation papers and bylaws, if any;~~
- d. ~~declaration of covenants, conditions and restrictions, or restrictive covenants, if any;~~
- 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;
~~e. evidence of water rights and compliance with the City's water utility ordinance;~~
and

~~f.c.~~ Minor Subdivision Plat:

- i. ~~Five~~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.
- ii. 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. Building envelope shown on each lot where slopes are greater than ten percent.~~
 - ~~8.~~7. Lot numbers.
 - ~~9.~~8. Easements.
 - ~~10.~~9. Street monument locations.
 - ~~11. Fire hydrant locations (every 500 feet).~~
 - ~~12. Street lights locations as required by the City's Standards and Specifications Manual.~~
 - ~~13. Boundary fences.~~
 - ~~14.~~10. Flood plain boundaries as indicated by the Federal Emergency Management Agency.
 - ~~15.~~11. Record of Survey.
 - ~~16.~~12. Signature blocks per the City standard plat.
 - ~~17.~~13. Lot and road addresses and addresses for each intersection.

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.
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 the Property Line Adjustment.
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.
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.
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 Plat.

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.

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

Chapter 19.26. Planned Community Zone.

Sections:

- 19.26.01. Purpose.**
- 19.26.02. Definitions.**
- 19.26.03. Community Plan Required.**
- 19.26.04. Uses Permitted within a Planned Community District.**
- 19.26.05. Adoption and Amendment of Community Plans.**
- 19.26.06. Guiding Standards of Community Plans.**
- 19.26.07. Contents of Community Plans.**
- 19.26.08. Effect of a Community Plan.**
- 19.26.09. Village Plan Approval.**
- 19.26.10. Contents of a Village Plan.**
- 19.26.11. Master Development Agreement.**
- 19.26.12. Subsequent Permits Required.**
- 19.26.13. Large-scale Planned Community Districts.**

19.26.01. Purpose.

This Chapter is established to implement the General Plan and enable land to be planned and developed in a coordinated manner to achieve:

1. a desirable living and working environment with unique identity and character;
2. an innovative integration of uses, such as residential, commercial, recreation, entertainment, office, and light industrial uses;
3. focused development patterns that:
 - a. preserve sensitive areas, significant natural, features, and drainage patterns;
 - b. optimize open spaces; and
 - c. highlight significant natural features;
4. a diversity of uses to meet the life cycle of residents, including a range of housing types and densities and recreational, social, educational, service, and employment opportunities;
5. a variety of development and use standards, including a range of heights, setbacks, densities, and lot sizes, to achieve innovative design patterns;
6. safe pedestrian and bicycle travel that optimizes access from homes to services, shopping, education, and transit facilities;
7. a process for developers and the City to plan the potential capacity, intensity, and general types of uses, while allowing flexibility to respond to changes in the market over long build-out periods, with allowances for interim uses; and

8. the coordinated, long-term build out of an area by multiple property owners.

19.26.02. Definitions.

For purposes of this Chapter, the following terms shall have the meanings defined in this Section:

1. **“Community Plan”** means:
 - a. a zoning-level document as defined in Section 19.26.07 that contains a set of regulations and guidelines that apply to a defined geographic area;
 - b. is general and conceptual in nature; and
 - c. provides a community-wide level of detail in enough specificity to determine the size, scope, intensity, and character of subsequent and more detailed Village Plans.
2. **“District Area Plan”** means a document 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, which document shall contain the information set forth in Section 19.26.13.
3. **“Equivalent Residential Unit (ERU)”**:
 - a. means a unit of measurement used to measure and evaluate development impacts on public infrastructure including 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.
4. **“Planned Community District”** means a geographic area to which the Planned Community Zone designation has been applied that is subject to a Community Plan.
5. **“Village Plan”**:
 - a. means detailed plans for the development and implementation of an entire Community Plan or individual phases or sub-areas of a Community Plan;
 - b. contains a set of regulations that apply to a defined geographic area; and
 - c. combines specific development standards, design guidelines, infrastructure plans, a Master Development Agreement, and other elements as appropriate into a single document.

19.26.03. Community Plan, Village Plan and Detailed Infrastructure Study Required.

1. **Community and Village Plans.** An approved Community Plan for the entire Planned Community District containing the elements listed in Section 19.26.07 shall be required at the time of a zone change to the Planned Community Zone. A Village Plan shall be required for each phase within the zoned area prior to the issuance of permits for the subdivision of land, grading, or building.

2. **Additional Village Plan Requirements.** In addition to the required elements of a Village Plan listed in Section 19.26.10, the following shall be required prior to or in conjunction with the first application for a Village Plan for any part of the property addressed in an approved Community Plan and shall apply to and control the entire property addressed in the Community Plan:
 - a. A detailed traffic study prepared by a traffic engineer and a backbone circulation plan of highway, arterial, and collector streets including street classifications and accompanying street sections with dimensioned travel lanes, medians, walkways, bike paths, and landscaped areas. The traffic study shall evaluate impacts to both on and off site intersections and major street networks.
 - b. A map depicting the general locations of backbone infrastructure systems (major trunk line delivery and storage systems) for water (potable and non-potable), sewer, and drainage (100-year 24-hour drainage flows, 10-year 24-hour storm water flows) and a written assessment of the proposed sizing for and adequacy of the infrastructure to serve the entire property.
 - c. Detailed architectural requirements and restrictions implementing the guiding development standards established in the Community Plan pursuant to Section 19.26.06.3, including materials lists, pallets, and pattern books.
 - d. If applicable, details regarding the creation of an owners' association, master association, design review committee, or other governing body to review, approve, and enforce architectural requirements and restrictions, and common area maintenance obligations.

19.26.04. Uses Permitted within a Planned Community District.

1. **Permitted and Conditional Uses.** Since the character and land use designations of each Community Plan may vary widely, a specific list of uses that are permitted by-right or conditionally permitted is not dictated in this zone. Instead, the detailed list of uses that are permitted by right or conditionally permitted shall be established in each Village Plan. Generally, however, the establishment of uses that are permitted by right, or conditionally permitted within a particular Village Plan, shall be guided but not limited to the following Sections of the Land Development Code:
 - a. Agricultural: Subsections 19.04.08 (2) and (3).
 - b. Residential: Subsections 19.04.09 (2) and (3).
 - c. Neighborhood Commercial: Subsections 19.04.20 (2) and (3).
 - d. Mixed Use: Subsections 19.04.21 (2) and (3).
 - e. Regional Commercial: Subsections 19.04.22 (2) and (3).
 - f. Office Warehouse: Subsections 19.04.23 (2) and (3).
 - g. Industrial: Subsections 19.04.24 (2) and (3).
 - h. Mixed Lakeshore: Subsections 19.04.25 (2) and (3).
 - i. Business Park: Subsections 19.04.26 (2) and (3).
2. **Interim Uses.** Any use which has a valid conditional use permit prior to being zoned or rezoned to the Planned Community Zone is permitted to continue prior to the approval of a Village Plan, provided that the use may only be continued pursuant to the terms and

conditions upon which the conditional use permit was approved by the prior zoning authority.

- a. The continuation of such an interim use after the approval of any Village Plan may only occur with the express approval of the City Council, and on such terms and conditions as the Council may dictate.
 - b. In approving the Village Plan, the City may require mitigation measures, including buffers, transitions, or alternate access routes to ensure that the interim uses are compatible with the other intended uses in the Village Plan and the community as a whole.
3. **Location of Uses.** The pattern, arrangement, and location of each land use shall generally be guided by the General Plan Land Use Map; however, in the Community Plan, the applicant may refine the location and pattern of land uses shown on the General Plan Land Use Map in order to improve design, accessibility, and marketability using the General Plan as guidance for overall character and intent.

19.26.05. Adoption and Amendment of Community Plans.

1. No contiguous property of less than 500 acres shall be zoned as a Planned Community District.
2. Community Plans require a recommendation from the Planning Commission and approval by the City Council per Chapter 19.17 and as detailed throughout the rest of this Section.
3. **Application for Community Plan.** Concurrently with a zone change to Planned Community Zone, the Planning Commission shall consider an application to adopt a Community Plan. The Planning Commission shall review the application, hold a public hearing, and certify its recommendation to the City Council. Before certifying a recommendation of approval, or approval with conditions, the Planning Commission must find that the Community Plan:
 - a. is generally consistent with the goals, objectives, and policies of the General Plan, with particular emphasis placed upon those policies related to community identity, distinctive qualities in communities and neighborhoods, diversity of housing, integration of uses, pedestrian and transit design, and environmental protection;
 - ~~b. does not exceed the number of equivalent residential units and square footage of nonresidential uses of the General Plan;~~
 - ~~e.b.~~ contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
 - ~~e.c.~~ is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
 - ~~e.d.~~ includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;
 - ~~f.e.~~ is consistent with the guiding standards listed in Section 19.26.06; and
 - ~~g.f.~~ contains the required elements as dictated in Section 19.26.07.

4. **Adopted Community Plans.** Adopted Community Plans shall be indicated on the Zoning Map and maintained on file in the Planning Department.
5. **Community Plan Amendment.** Modifications to the Community Plan text or exhibits may occur in accordance with the following amendment process:
 - a. **Major Amendments:** If an amendment is deemed major by the Planning Director (or in the case of a District Area Plan, by the Development Review Committee), it will be processed in the same manner as the original Community Plan. Major amendments are modifications that change the intent of the Community Plan such as:
 - i. those that significantly change the character or architecture of the Community Plan;
 - ii. those that increase or reallocate residential density and non-residential intensity beyond any provisions for transfers provided within the Community Plan, as provided in Section 19.26.06;
 - iii. those that materially reduce the amount of land dedicated to parks, trails, public use space, natural areas, or public facilities as shown on the approved Community Plan; and
 - iv. modifications to development standards as allowed in the Community Plan.
 - b. **Minor Amendments.** Minor amendments are accomplished administratively by the Planning Director. Minor amendments include simple modifications to text or exhibits such as:
 - i. minor changes in the conceptual location of streets, public improvements, or infrastructure;
 - ii. minor changes in the configuration or size of parcels;
 - iii. transfers of density as described within the Community Plan, as provided for in Section 19.26.06;
 - iv. minor modification of land use boundaries; and
 - v. interpretations that facilitate or streamline the approval of unlisted uses that are similar in nature and impact to listed uses.

19.26.06. Guiding Standards of Community Plans.

1. **Development Type and Intensity.** The allowed uses and the conceptual intensity of development in a Planned Community District shall be as established by the Community Plan.
2. **Equivalent Residential Unit Transfers.** Since build-out of a Planned Community District will occur over many years, flexibility is necessary to respond to market conditions, site conditions, and other factors. Therefore, after approval of a Community Plan, residential density or non-residential intensity may be transferred within the Planned Community District as necessary to improve design, accessibility, and marketability. Guiding transfer provisions shall be provided in the Community Plan and

detailed transfer provisions shall be established in the Village Plans. Transfer provisions shall adhere to the following standards:

- a. The overall intent and character of the Community Plan shall be maintained and the transfer of Equivalent Residential Units shall not materially alter the nature of each land use, land use designation, or district established in the Community Plan.
- b. The maximum number of Equivalent Residential Units established in the Community Plan shall not be exceeded.
- c. The method to transfer Equivalent Residential Units shall be established within a Community Plan, provided that the transfer of Equivalent Residential Units into or out of any land use designation or district established in the Community Plan shall not exceed fifteen percent without approval of the City Council. In no case shall the transfer of Equivalent Residential Units into or out of any land use designation or district exceed twenty percent of that established in the Community Plan.
- d. Equivalent Residential Units may not be transferred from a more intensive into a less intensive land use designation or district established in the Community Plan such that it exceeds the underlying maximum density and intensity limits.
- e. Equivalent Residential Units may not be transferred into any open space, park, or school unless said use is replaced elsewhere within the same district.
- f. Each Community Plan shall identify the manner in which transfers of Equivalent Residential Units shall occur.

3. Development Standards. Guiding development standards shall be established in the Community Plan.

- a. The Community Plan standards shall be sufficient to establish an overall theme and appearance for the entirety of the Planned Community District by establishing a common landscape philosophy, common lighting, consistent fencing and buffer treatments, signage, and a hierarchy of entry monuments.
- b. The Community Plan shall establish common architectural guidelines meeting the City's design standards to address style authenticity, color, material, form and massing, and building entry.
- c. The Community Plan shall establish a mechanism to assure architectural quality and consistency throughout the Planned Community District.
- d. Detailed development standards and regulations shall be contained in a Village Plan and may replace or supplement the standards contained in the Land Development Code, except where specifically provided in the Village Plan.
- e. Any matters not specifically addressed in the Village Plan will be governed by other applicable regulations and standards of the City.

4. Open Space Requirements. Open space, as defined in Section 19.02.02, shall comprise a minimum of thirty percent of the total Planned Community District area.

- a. Open space is defined as:
 - i. active open spaces such as parks, playgrounds, pathways and trails, pavilions, community gardens, ball fields, community centers, swimming pools, plazas, sports courts, and informal spaces which encourage the use and enjoyment of the open space;

- ii. sensitive lands, including, but not be limited to: canyons and slopes in excess of thirty percent, ridge lines, streams or other natural water features, creek corridors, historic drainage channels, wildlife habitat, native vegetation, wetlands, geologically sensitive areas, and significant views and vistas; however, no more than fifty percent of the required open space area shall be comprised of sensitive lands;
 - iii. agricultural lands and equestrian facilities worthy of preservation for continued use; and
 - iv. entry features and any portion of a park strip or landscaped median that exceeds City standards, or other amenities, such as fountains and public art, that creates attractive neighborhoods.
 - b. Open space shall not include:
 - i. lands occupied by residential, commercial, light industrial, office structures, parking areas, streets or sidewalks;
 - ii. setbacks and spaces between buildings or parking areas or other hard surfaces that have no recreational value; and
 - iii. areas between multi-family structures or similar treatments that are not larger than 5,000 square feet, are not part of a community trail system, and are not developed as a recreational or community amenity (e.g. park, pool, community garden, and picnic area).
 - c. Open Space shall be preserved and maintained through one or a combination of the following:
 - i. dedication of the land as a public park or parkway system;
 - ii. dedication of the land as permanent open space on the recorded plat;
 - iii. granting the City a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of an owner's association, master association, or other governing body;
 - iv. through compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Title 57, and which provides for the payment of common expenses for the upkeep of common areas and facilities; or
 - v. in the event the common open space and other facilities are not maintained in a manner consistent with the approved plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners' association, master association, or other governing body.
- 5. No structure (excluding signs and entry features) may be closer than twenty feet to the peripheral property line of the Planned Community District boundaries.
 - a. The area within this twenty foot area is to be used as a buffer strip and may be counted toward open space requirements, but shall not include required back yards or building set back areas.
 - b. The City Council may grant a waiver to the requirement set forth in this Subsection upon a finding that the buffer requirement will result in the creation of non-functional or non-useable open space area and will be detrimental to the provision of useful and functional open space within the Project.

19.26.07. Contents of Community Plans.

Community Plans are general and conceptual in nature; however, they shall provide the community-wide structure in enough detail to determine the size, scope, intensity, and character of subsequent and more detailed Village Plans. Community Plans shall include:

1. **Description.** A metes and bounds legal description of the property and a vicinity map.
2. **Use Map.** A map depicting the proposed character and use of all property within the Planned Community District. This map shall be of sufficient detail to provide clear direction to guide subsequent Village Plans in terms of use and buildout. This map is not required to specify the exact use and density for each area and instead, to allow flexibility over the long-term, may describe ranges of buildout and ranges of uses.
3. **Buildout Allocation.** An allocation of all acreage within the Planned Community District by geographic subarea or parcel or phase with ranges of buildout levels calculated based on the City's measure of equivalent residential units, including residential and non-residential density allocations and projections of future population and employment levels.
4. **Open Space Plan.** A plan showing required open space components and amenities.
5. **Guiding Principles.** A general description of the intended character and objectives of the Community Plan and a statement of guiding land use and design principles that are required in subsequent and more detailed Village Plans and are necessary to implement the Community Plan. The guiding land use and design principles shall address:
 - a. Community-wide systems and themes including streetscape treatments, drainage and open space corridors, pedestrian systems, park and recreation systems, and public realm elements.
 - b. The desired character of the Community Plan, including conceptual landscaping plan showing the general character and nature of live plant species and potential design treatment of major features.
 - c. Guiding development standards critical to ensure the desired character of each geographic sub-area or parcel or phase is maintained in the subsequent Village Plans. Guiding standards shall include density and floor area ratio and, as appropriate, guidance for standards addressing height, setbacks, parking requirements, parking lot locations, and minimum private open space.
6. **Utility Capacities.** A general description of the current capacities of the existing on- and off-site backbone utility, roadway, and infrastructure improvements and a general description of the service capacities and systems necessary to serve the maximum buildout of the Community Plan. This shall be accompanied by a general analysis of existing service capacities and systems, potential demands generated by the project, and necessary improvements.

7. **Conceptual Plans.** Other elements as appropriate including conceptual grading plans, wildlife mitigation plans, open space management plans, hazardous materials remediation plans, and fire protection plans.

8. **Development Agreement. A Master Development Agreement, as described in Section 19.26.11.**

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8.9. **Additional Elements.** The following shall be included in the Community Plan or submitted separately in conjunction with the Community Plan:

- a. description of and responses to existing physical characteristics of the site including waterways, geological information, fault lines, general soils data, and slopes (two foot contour intervals);
- b. a statement explaining the reasons that justify approval of a Community Plan in relation to the findings required by Section 19.26.05;
- c. an identification and description of how environmental issues, which may include wetlands, historical sites, and endangered plants, will be protected or mitigated; and
- d. the means by which the Applicant will assure compliance with the provisions of the Community Plan, including architectural standards and common area maintenance provisions, and a specific description of the means by which phased dedication and improvement of open space will occur to assure the adequate and timely provision and improvement of open spaces.

9.10. **Application and Fees.** The following shall be submitted in conjunction with the Community Plan:

- a. completed Community Plan application;
- b. fees as determined by the City Recorder; and
- c. copies of submitted plans in the electronic form required by the City.

19.26.08. Effect of a Community Plan.

An approved Community Plan constitutes conceptual approval and entitles the applicant to pursue Village Plan approval in accordance with the approved Community Plan. The density allowances, uses, and conceptual development pattern granted in the Community Plan shall be deemed a vested right of the applicant, subject to compliance with then existing City ordinances, rules, and regulations, and engineering principles of common application.

19.26.09. Village Plan Approval.

1. **Application for Village Plan.** Subsequent to the approval of a Community Plan, further development of any phase within a Planned Community Zone District shall require approval of a Village Plan. A Village Plan is a preliminary approval prior to subdivision or site plan approval and is intended to commit and provide detailed standards to assure compliance with the guiding principles and intent of the Community Plan and to further commit land uses, supporting infrastructure, and design principles. The Planning Commission shall review each Village Plan application in accordance with the provisions

of Chapter 19.17 and certify its recommendation to the City Council. Before certifying a recommendation of approval, or approval with conditions, the Planning Commission must find that the Village Plan:

- a. is consistent with the adopted Community Plan;
- b. does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
- c. for an individual phase, does not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
- d. is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts;
- e. properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; and
- f. contains the required elements as dictated in Section 19.26.10.

2. **Village Plan Amendment.** A Village Plan is a zoning level approval, and modifications may occur in accordance with the following amendment process:

- a. **Major Amendments:** If an amendment is deemed major by the Planning Director, it will be processed in the same manner as the original Village Plan. Major amendments are modifications that change the intent of the Village Plan such as:
 - i. those that significantly change the character or architecture of owners' associations (if applicable);
 - ii. those that increase or reallocate residential density and non-residential intensity beyond any provisions for transfers provided in the Village Plan, as provided in Section 19.26;
 - iii. those that materially reduce the amount of land dedicated to parks, trails, public use space, natural areas or public facilities; and
 - iv. modifications to development standards as allowed in the Village Plan.
- b. **Minor Amendments:** Minor amendments are accomplished administratively by the Planning Director and may be appealed to the Hearing Examiner. Minor amendments include simple modifications to text or exhibits such as:
 - i. minor changes in the conceptual location of streets, public improvements, or infrastructure;
 - ii. minor changes in the configuration or size of parcels;
 - iii. transfers of density as described within the Village Plan, as provided for in Section 19.26.06;
 - iv. minor modification of land use boundaries; and
 - v. interpretations that facilitate or streamline the approval of unlisted uses that are similar in nature and impact to listed uses.

19.26.10. Contents of a Village Plan.

Village Plans are detailed plans for the development and implementation of an entire Community Plan or individual phases or subareas of a Community Plan. Village Plans shall include:

1. **Description.** A legal description of the Village Plan area.
2. **Detailed Use Map.** A list of all permitted and conditional uses and a map depicting the proposed land uses by type for all property within the Village Plan Area, and demonstrating appropriate buffering from neighboring land uses, including uses within and outside of the Planned Community District.
3. **Detailed Buildout Allocation.** An allocation of all acreage within the Village Plan area by land use type and geographic subarea, parcel, or phase with maximum buildout levels calculated based on the City's measure of equivalent residential units, including residential and non-residential density allocations and projections of future population and employment levels.
4. **Development Standards.** Detailed development standards for each land use type including specific provisions governing height, setbacks, parking requirements, parking lot locations, and minimum private open space.
5. **Design Guidelines.** Detailed design guidelines for each land use type including specific provisions governing density and floor area ratios.
6. **Associations.** If not previously established pursuant to Subsection 19.26.03.2.d., details regarding the creation of an owners' association, master association, design review committee, or other governing body to review, approve, and enforce architectural requirements and restrictions and common area maintenance obligations.
7. **Phasing Plan.** A conceptual phasing and maintenance plan for development of all uses and supporting infrastructure and open space within the Village Plan Area.
8. **Lotting Map.** A conceptual plat map depicting conceptual lotting patterns.
9. **Landscaping Plan.** A landscaping plan and plant palette including a legend which includes height, caliper, and numbers of all plant materials and is consistent with the Community Plan.
10. **Utility Plan.** Utility and infrastructure plan that is consistent and links seamlessly with the communitywide systems outlined in the Community Plan.
11. **Vehicular Plan.** Vehicular circulation and mobility plan that is consistent and links seamlessly with the community-wide systems outlined in the Community Plan.
12. **Pedestrian Plan.** Pedestrian and bicycle mobility plan that is consistent and links seamlessly with the community-wide systems outlined in the Community Plan.
13. **Density Transfers.** Detailed transfer of density and non-residential square footage provisions.

14. **Additional Detailed Plans.** Other elements as necessary to detail plans and direction contained in the Community Plan, such as grading plans, storm water drainage plans, wildlife mitigation plans, open space management plans, sensitive lands protection plans, hazardous materials remediation plans, and fire protection plans.
15. **Site Characteristics.** A description of existing physical characteristics of the site including any sensitive lands, waterways, geological information, fault lines, general soils data, and contour data.
16. **Findings.** A statement explaining the reasons that justify approval of a Village Plan in relation to the findings required by the Planned Community District.
17. **Mitigation Plans.** Plans describing the protection and mitigation of significant environmental issues, such as wetlands, historical sites, and endangered plants, identified in the Community Plan.
18. **Offsite Utilities.** An estimate of the cost to provide off-site utilities and other public infrastructure facilities to the site.

~~19. **Development Agreement.** A Master Development Agreement, as described in Section 19.26.11.~~

19.26.11. Master Development Agreement.

Subject to the legislative discretion of the City Council pursuant to Section 10-9a-102 of the Utah Code, A Master Development Agreement ~~shall~~may be entered into upon District Area Plan or Village-Community Plan approval and shall generally conform to and include by reference, if appropriate, the requirements found in Section 19.13.06, except for the following sections:

1. **Plat.** A final plat, record of survey, or Site Plan is not required until submission of the subdivision application.
2. **Declaration.** Declaration of covenants and restrictions, declaration of condominium, or architectural elevations are not required until the site plan review or submission of the subdivision application.
3. **Duration.** Master Development Agreements shall run with the life of the Community Plan.

19.26.12. Subsequent Permits Required.

1. **Application Approval.** The review and approval of applications prior to construction within the Village Plan area will be governed by the City's Ordinances. Notwithstanding the foregoing, the Planning Director shall be authorized to review and approve a site plan

submitted for a proposed non-residential use where the proposed use is shown on and is consistent with an approved Village Plan and the site plan does not require the dedication or improvement of the public street access, or the alteration of any standard or requirement of the approved Village Plan.

2. **Applications for Reuse.** The review and approval of applications for the use, reuse, or alteration or improvement of existing structures will be conducted through the provisions established by this Code, as amended by the adopted Village Plan, and include:
 - a. necessary Conditional Use Permits, as prescribed in the provisions of the adopted Community Plan and conducted per Chapter 19.15;
 - b. signage, as prescribed in the provisions of the adopted Community Plan and conducted per Chapter 19.18;
 - c. necessary business licenses as required by this Code;
 - d. Home Occupations per Chapter 19.08; and
 - e. all necessary grading, electrical, plumbing, building, energy, mechanical, and occupancy permits as required by this Code.

19.26.13. Large Scale Planned Community Districts.

1. **Applicability of Section.** Planned Community Districts that include more than 2,000 acres (hereinafter referred to as “Large-scale Planned Community Districts”), affect the City’s planning in unique ways and may involve a longer build-out horizon than smaller Planned Community Districts. At the election of landowners seeking the application of the Planned Community Zone to property exceeding 2,000 acres in size, and upon approval of a District Area Plan, as set forth below, such property shall be designated a Large-scale Planned Community District, and shall be governed by the provisions of this Section 19.26.13, and other sections of this Chapter as specifically indicated in this Section 19.26.13. Large-scale Planned Community Districts may consist of multiple, non-contiguous parcels.
2. **Adoption and Amendment of District Area Plans.** An approved District Area Plan shall be required at the time property within a proposed Large-scale Planned Community District is assigned the designation of Planned Community Zone. Prior to approval by the City Council, a proposed District Area Plan shall be submitted to the Planning Commission for review and recommendation. The District Area Plan shall cover the entire proposed Large-scale Planned Community District, and shall contain the following information:
 - a. Proposed name for the Large-scale Planned Community District;
 - b. A map depicting:
 - i. the location of the Large-scale Planned Community District;
 - ii. acreage;
 - iii. boundaries;
 - iv. scale;
 - v. north arrow; and
 - vi. a conceptual layout of land use designations, major thoroughfares and transit corridors;

- c. Proposed land uses and place types, and allowable density and land use intensity ranges for such proposed place types;
 - d. Planning criteria and guidelines as described in Subsection 3. below;
 - e. A table showing the proposed:
 - i. number of residential units,
 - ii. total floor area (measured in square feet) of the various non-residential land uses, and
 - iii. total number of Equivalent Residential Units;
 - f. Major existing land uses, roads, waterways, utilities, easements and flood boundaries;
 - g. Topography and significant geographical features on or adjacent to the property; and
 - h. Other aspects of the plan for the property as desired by the applicant.
 - i. The proposed District Area Plan shall be submitted in both hard copy and electronic form. The proposed District Area Plan shall constitute a land use application for all purposes of Utah law. The adoption of the District Area Plan, and any subsequent amendment thereof, shall be accomplished in the same manner as the adoption and amendment of Community Plans under Section 19.26.05, except that the Planning Commission shall not be required to make the findings set forth in Subsections 1.c. through 1.g. In addition, amendments shall follow the process in subsection 19.26.13. Prior to adoption and approval, the City Council, taking into account the recommendations of the Planning Commission, may require such changes to the proposed District Area Plan, including without limitation the addition or deletion of detail to or from the proposed District Area Plan, as shall be necessary, in the discretion of the City Council, to justify the vested entitlements associated with the District Area Plan under Section 7.
3. **Planning Criteria and Guidelines.** The District Area Plan shall include planning criteria and guidelines generally governing the planning of the Large-scale Planned Community District, and the preparation of one or more subsequent Community Plans and Village Plans. Such criteria and guidelines shall be sufficient to establish the overall character of the various land use designations. More detailed development standards and architectural guidelines shall be required at the Community Plan and Village Plan stages. The locations and boundaries of the various land use designations may be adjusted through the approval of the subsequent Community Plans and Village Plans.
4. **Approvals Required After District Area Plan Approval.** The review and approval of applications within a Large-scale Planned Community District after approval of the District Area Plan and prior to construction shall be governed by the provisions of this Chapter, including the Community Plan requirements of Sections 19.26.03 through 19.26.08, the Village Plan requirements of Section 19.26.03 and Sections 19.26.09 through 19.26.10, and the provisions of Section 19.26.12, except as specifically modified herein.
5. **Amendments.** District Area Plans may be amended from time to time, and shall be amended prior to or concurrent with the approval by the City Council of a Community

Plan or an amendment to a Community Plan that in either case is inconsistent with the then existing District Area Plan. If an amendment is proposed, it shall be processed in the same manner as the original District Area Plan. Amendments may include the following:

- a. Significant changes in the conceptual layout of proposed land use designations, major thoroughfares or transit corridors;
- b. An increase in allowable density and intensity ranges for proposed land uses and place types;
- c. Changes in the planning criteria and guidelines that significantly change the character of the Large-scale Planned Community District; or
- d. Changes that reduce the ranges of the amount of land dedicated to parks, trails, public use space, natural areas or public facilities as shown on the approved District Area Plan, or that reduce the total amount of open space set forth in the District Area Plan.
- e. A change in the name of the Planned Community District;
- f. Minor changes in the conceptual layout of proposed land use designations, major thoroughfares or transit corridors;
- g. Minor changes in land use or other boundaries;
- h. Changes that either reallocate or increase overall open space;
- i. Changes that either reallocate or decrease densities or intensities of use,
- j. Any change necessary to conform the District Area Plan to an approved Community Plan; or
- k. Any change necessary to conform the District Area Plan to a change in the City's General Land Use Plan, Parks & Trails Master Plan, and/or Transportation Plan.

6. Open Space in Large-scale Planned Community Districts.

- a. **Alternative Open Space Requirements.**
 - i. Open space shall constitute an integral part of Large-scale Planned Community Districts.
 - ii. Certain Large-scale Planned Community Districts may require a unique and flexible approach to the issue of open space, given
 1. the wide variety of anticipated land uses and place types, and the disparate open space needs of the City within such varying land uses and place types,
 2. the long build-out horizon for the Large-scale Planned Community as a whole, and the need to coordinate the inclusion of open space elements across long time spans and among several construction phases, and
 3. the potential for the City's open space needs and objectives to change prior to full build-out.
 - iii. In cases such as those under Subsection 5.a.ii., the City Council, taking into account the recommendations of the Planning Commission, may elect, in lieu of the provisions of Subsection 19.26.06.4, to establish alternative requirements for open space in accordance with this Section.
- b. **Approved Ranges.** The District Area Plan may establish an acceptable range of the percentage of land required to be dedicated to open space uses within each identified land use or place type approved in the District Area Plan. Such ranges

may or may not reflect the general thirty percent requirement present in Subsection 19.26.06.4. In approving such ranges, and any deviation from such thirty percent requirement, the City Council, taking into account the recommendations of the Planning Commission, may take into account the following factors:

- i. minimum open space requirements, by place type, recommended by one or more accredited and nationally-recognized planning organizations acceptable to the City Council, taking into account the recommendations of the Planning Commission;
 - ii. unique factors affecting the City's open space needs and objectives that may warrant deviation from such recommendations;
 - iii. any identified City objective to establish a unique identity through the use of open space;
 - iv. walkability objectives;
 - v. wise water management;
 - vi. cost of long-term maintenance; and
 - vii. any other factors considered relevant by the City Council.
- c. **Precise Requirements Within Ranges.** When evaluating the more precise extent and design of open space at the Community Plan and Village Plan stages, within the ranges approved in the District Area Plan, the City Council shall take into account the following factors:
- i. the desirability and balance, within certain place types, between active open space and passive open space;
 - ii. the intensity of programmed uses within the proposed open space (by way of example, a public swimming pool on three acres may provide the same open space benefit to the City as a park on ten acres);
 - iii. the capital requirements of the open space features (by way of example, a skate park may satisfy the same open space requirement as a much larger soccer field);
 - iv. the shifting of open space from one place type to another (by way of example, open space in a retail place type may be reduced to offset a larger community park in another location within the District);
 - v. the accessibility and proximity of the open space;
 - vi. the quality of the open space;
 - vii. requirements for land dedication, capital improvement, maintenance, and impact fees to ensure that cross-subsidization between the project and the remainder of the City does not occur, in order that all City residents bear their fair burden of the costs associated with such requirements; and
 - viii. any other factors considered relevant by the City Council, taking into account the recommendations of the Planning Commission.
- d. **Elements of Open Space.** Open space for purposes of Large-scale Planned Community Districts may include any space, element, or feature deemed by the City Council, taking into account the recommendations of the Planning Commission, to advance the purpose for which the open space is required.
- i. By way of example and not limitation, open space and accompanying amenities may include community parks, pocket parks, fields,

- iii. provide open space within the ranges, each as set forth in the District Area Plan.
 - b. The City Council, taking into account the recommendations of the Planning Commission, may exercise legislative discretion at the Community Plan and Village Plan approval stages consistent with the District Area Plan, to determine and establish the development standards, design guidelines, and specific land use locations, configurations and allocations, provided that in exercising such discretion, the City Council shall not direct development patterns in a manner that unreasonably inhibits realization of the vested rights granted in an approved District Area Plan.
- 9. **Development Agreement.** A Development Agreement governing the general principles and terms of development may be executed between the City and the landowner concurrent with the approval of a District Area Plan.
 - a. Such Development Agreement need not conform to the requirements of Chapter 19.13.
 - b. The City and a Master Developer may enter into Development Agreements containing such other and further vesting provisions as the City Council, taking into account the recommendations of the Planning Commission, finds will promote the public welfare and will protect and enhance property values within the area of the District Area Plan and surrounding areas.