Title 19. LAND DEVELOPMENT CODE.

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Chapter 19.01. General Provisions.

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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.

19.01.08. Establishment of Land Use Zones.

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

19.01.09. Requirements Declared Minimums.

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

(Ord. 14-4)

19.01.10. Property Use Regulations.

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

1. no land shall be used or occupied except as specifically permitted in the regulations for the land use zones in which it is located;

2. no land shall be used or occupied for use which is permitted only as an accessory or ancillary use to an established main use before such main use is actually established or where an established main use of the land has ceased;

3. no structure shall be designed, erected, altered, used, or occupied for use except for uses specifically permitted on the lot upon which the structure is located or erected as stated in the regulations for the land use zone in which the lot is located; and

4. no structure shall be erected, used, or occupied for a use which is permitted only for purposes accessory to an established main use or main building before such building has actually been located, been erected, or had its use established, and has been placed into operation, provided that:
    a. any such accessory use structure may be erected after construction of the main building or use has commenced and during the construction of the main building; and
    b. no existing accessory use building may be continued to be used after the operation of the main building or use has ceased.

19.01.11. Effect on Previous Ordinances and Maps.

1. This Title, including the attached map or maps and any amendments to this Title, shall be deemed a continuation of previously adopted versions of this Code.

2. Determinations regarding questions of conforming and nonconforming uses or structures, and questions as to the dates upon which such uses or structures became complying or noncomplying, shall be made independently with reference to:

a. the status of the use or structure; and
b. the applicable dates of enactment of the ordinance or regulation creating said status.

19.01.12. Permits and Licenses.

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

19.01.13. Administrative Reviews, Certificates, and Permits.

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

2. **Site Plan and Architectural review**. The Planning Director shall receive all applications for Site Plan Review, as provided for in Chapter 19.14.

3. **Conditional Use permits**. Applications for a Conditional Use permit shall be submitted to the Planning Director as provided for in Chapter 19.15. The Planning Director shall assure completeness and prepare for submittal to the Development Review Committee for review and the City Council for action.

4. **Land use zone amendments**. Requests for amendments or changes to the land use ordinance or zoning map shall be initiated with the Planning Department. The amendment process shall proceed as provided for in Chapter 19.17.

5. **Home Occupation permit**. An application for a Home Occupation permit shall be presented for review and approval to the Planning Director. Upon such approval, the Planning Director is authorized to issue a permit, as provided in Chapter 19.08.

19.01.14. Fees.

1. A fee for reviews, certificates, and permits shall be charged as set forth in the City of Saratoga Springs Consolidated Fee Schedule.

2. No fee covered under this Section is returnable in the event that the permit or approval applied for is denied.

19.01.15. Expiration of Building Permits.

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

19.01.16. Cancellation of Permits, Certificates, and Approvals.

1. Failure to comply fully with the terms of any permits, certificates, or approvals is sufficient grounds for cancellation of such.

2. The City official, Board, Commission, Council, or agency that issued the permit, certificate, or approval may take action to cancel it for failure to comply.

3. The entity issuing a cancellation under Subsection 2 shall mail a notice of cancellation to the permittee at the address provided on the application, and such mailing constitutes proper notice of action taken under this Section.

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

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

2. No building permit required in connection with such proposed development or operation shall be issued until all permits, reviews, or approval required by this Title have been secured.

3. Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required in the particular case.

19.01.18. Public Hearings.

1. Public hearing procedures for land use ordinance amendments, general plan amendments, and development approval are described in Chapters 19.13 and 19.17 of this Title and in the Utah Code.

2. Public hearing procedures for appeals from decisions applying or interpreting this Title are set forth in Chapter 19.03.

19.01.19. Planning Commission Recommendation.

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

19.01.20. Incorporation of Standard Technical Specifications and Drawings.

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

Chapter 19.02. Definitions

Sections:

19.02.01. Interpretation.
19.02.02. Definitions.

19.02.01. Interpretation.

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

19.02.02. Definitions.

As used in this Title:

1. **"Accessory building"** means a building that:
    a. is clearly incidental to and found in connection with a principal or main building;
    b. is subordinate to and serves a principal or main building;
    c. is subordinate in area, extent, or purpose to the principal or main building served;
    d. is located on the same lot as the principal or main building served; and
    e. contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building, and
    f. does not include storage containers.

2. **"Agriculture"** means the use of land for tree farming or growing or producing field crops, livestock, and livestock products, excluding feedlots or mink operations.
    a. "Field crops" include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
    b. "Livestock" includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, and rabbits.
    c. "Livestock products" include, among others, milk, butter, cheese, eggs, meat, fur, and honey.

3. **"Agricultural Building"** means any structure used for agriculture.

4. **"Alcoholic Beverage Package Agency"** means a liquor location operated under contractual agreement with the Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

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

6. **"Ancillary Use":**
    a. means a use that:

i. is clearly incidental to and found in connection with a principal or main use;
ii. is subordinate to and serves a principal or main use;
iii. is subordinate or less than in extent, area, or purpose to the principal or main use;
iv. is located on the same lot as the principal or main use; and
v. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use; and

b. Home Occupations are deemed an ancillary use.

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

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

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

10. **"Applicable building code":** see "Building code"

11. **"Applicable fire code":** see "Fire code"

12. **"Applicant":**
    a. means the owner of land proposed to be developed, or the owner's duly authorized agent if that agent has written authorization from the owner, who submits a complete application for consideration by the City; and
    b. includes an individual or entity who is under contract to purchase land proposed to be developed so long as the individual or entity closes on the project before any land use application is brought before the planning commission for consideration at a public meeting or hearing.

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

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

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

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

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

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

19. **"Back yard":** see "Yard, rear"

20. **"Bakery, Retail"** means an establishment primarily engaged in the retail sale of baked products for consumption off site.
    a. A bakery's products may be prepared either on or off site.
    b. A bakery's use may include incidental food service.
    c. A bakery shall be considered a general retail use.

21. **"Bakery, Commercial"** means a place for preparing, cooking, baking, and selling of products intended for off-premise distribution only.

22. **"Basement house"** means a one-story dwelling of which fifty percent or more of the floor area is below the finished grade.

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

24. **"Big box retail"** See **"Retail, Big Box"**

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

26. **"Bond agreement"** means an agreement between the developer and the City, on forms approved by the City, wherever a performance bond or warranty bond is required by this Title to install improvements secured by an escrow agreement with funds on deposit in a

reputable, federally-insured financial institution, a cash bond deposited with the City, or a letter of credit from a reputable, federally-insured financial institution in an amount as specified in this Title.

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

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

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

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

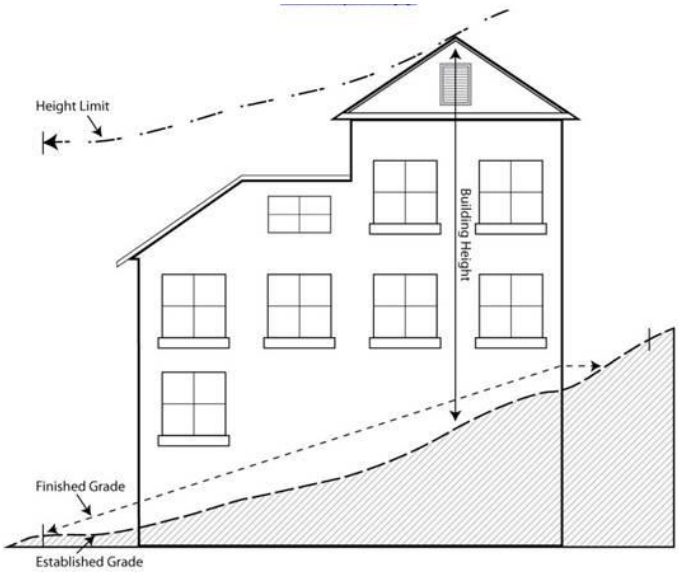
31. **"Building, Accessory":** see **"Accessory Building"**

32. **"Building, Agriculture":** see **"Agriculture Building"**

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 height"** or **"Structure height"** means:
    the vertical distance from the established grade surface at the building wall, as shown in the drawing below, to either:
    a. the highest point of the coping of a flat roof or to the deck line of a mansard roof directly above the point of measurement; or
    b. the mean height level between eaves and ridge for gable, hip, or gambrel roofs directly above the point of measurement.



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

37. **"Building, main":** see **"Main building"**

38. **"Building material sales (with outdoor storage)":**
    a. "Building material sales (with outdoor storage)" means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold.
    b. Facilities covered under the definition in Subsection a. may also:
        i. process lumber by performing millwork, planning, cutting, and other customizing processes; and
        ii. provide for the sale of associated products including tools and fasteners.

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

40. **"Building Official"** or **"City Building Official"** means the City of Saratoga Springs Building Official.

41. **"Building, public":**

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

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-service)"** means a business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated devices.

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

46. **"Charter School"** see **"School, Charter"**

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 sketch or concept application created prior to the Preliminary Plat for subdivisions or prior to Site Plan for non residential development to enable the City to verify that the developer is in general compliance with the City's ordinances and development regulations and policies.

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

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

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

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

64. **"Corner lot"** means a building lot situated within a corner created by the intersecting lines of a street or streets.

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

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

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 Access":**
    a. "Double access" means driveway access on public streets from the front and the rear.
    b. This definition does not apply to corner lots.

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

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

77. **"Dry Cleaner"** means an establishment:
    a. which launders or dry cleans articles dropped off on the premises directly by the customer; or
    b. where articles are dropped off, sorted, and picked up, but where laundering or cleaning is done elsewhere.

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

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

80. **"Dwelling, Multi-family"** means a building or buildings sharing common walls or common interior floors and containing four or more dwellings.
81. **"Dwelling, Single family"** means a residential dwelling:
    a. not attached to any other dwelling;
    b. on a single lot that is arranged for, designed for, and occupied by not more than one family (as defined herein); and
    c. containing at least one bathroom, at least one kitchen, and living and sleeping facilities.

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

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

84. **“Easement”** means that portion of a property reserved for present or future use under, on, or above the property by a person or agency other than the legal fee owner or owners of the property.

85. **“Edge Use”** means a use allowed on the outside boundary of a specific land use zone that also has frontage on the collector or arterial roadway, which use is allowed up to a maximum of 300 feet into the land use zone from the outside boundary.

86. “**Educational center”** means an institution for the teaching of children or adults, including colleges, professional schools, dance schools, business schools, trade schools, and art schools.

87. **“Electronic Media Rental and Sales”** means a retail establishment whose primary function is the sale or rental of videos, CDs, or DVDs.

88. **“Electronic Sales and Repair”** means a retail establishment that deals in the sale and repair of electronics.

89. **“Enclosed parking”:**
    a. “Enclosed parking” means a fully-enclosed attached or detached residential accessory building designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory.
    b. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this Title applicable to main buildings.

90. **“Engineer, City”** means the appointed official or consultant who is responsible for the Engineering functions of the City as described in this Chapter and other ordinances and policies of the City.

91. **“Equestrian Center”:**
    a. means an establishment engaged in the boarding, feeding, or general care of horses or other large animals for personal or commercial purposes; and
    b. includes uses such as agriculturally oriented gatherings, assemblies and shows, and the sale of feed, tack, and other agricultural products.

92. **“Equipment Sales and Service”** means an establishment located no closer than 300 feet (as measured from the property lines) to any residential zone that is primarily engaged in the sale or rental of tools, lawn and garden equipment, including outdoor storage and incidental maintenance.

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

94. **"Established Grade"** means the measured grade of a piece of land at time of subdivision or site plan approval, shown on the final subdivision or site plan, and from which height of future structures will be measured.

95. **"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.

96. **"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)

97. **"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.

98. **"FEMA"** is an acronym for the Federal Emergency Management Agency.

99. **"Fence"** means an artificially constructed barrier to identify a property boundary or enclose a space.

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

100. **"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.

101. **"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.

102. **"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.

103. **"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.

104. **"Finished surface grade"** means the elevation of the finished ground surface adjacent to and measured along all exterior walls.

105. **"Fire code"** means the International Fire Code adopted by the City by ordinance and codified in Title 18.

106. **"Fitness Center"** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

107. **"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.

108. **"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.

109. **“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.

110. **“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.

111. **“Front yard”:** see **“Yard, front”**

112. **“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.

113. **“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.

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

115. **“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.

116. **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.

117. **“Golf course”** means a parcel of land laid out for at least three holes for playing the game of golf and improved with trees, greens, fairways, and possible hazards, and which may also include a clubhouse, shelter, or other associated buildings that are incidental to the parcel of land dedicated to the game of golf.

118. **“Grading permit”** means a permit issued by the City to remove or excavate large portions of a parcel or parcels in preparation for development activity or construction of infrastructure or buildings (see Chapter 18 and Sections 19.10 and 19.13 of this Title).

119. **“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.

120. **"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.

121. **"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.

122. **"Height"** see **"Building Height."**

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

124. **"Hospital"** means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians and/or properly licensed practitioners.
    a. Any medical clinic or professional office which offers inpatient or overnight care, or operates on a twenty-four hour basis, shall be considered a hospital.
    b. A hospital may include integral support service facilities such as laboratories, outpatient units, training facilities and offices necessary to the operation of the hospital.
    c. This definition includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

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

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

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

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

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

130. **"Interior lot"** means any building lot other than a corner lot.

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

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

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

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

135. **"Landscaping"** means the installation of any combination of the following items to produce an aesthetic effect or to enhance and preserve natural features of the site:
    a. plant materials, such as lawn, annual and perennial flowering plants, native vegetation, vines, shrubs, and trees but not including weeds or noxious plants;
    b. ground cover, such as mulch, bark, and decorative rock;
    c. ponds, fountains, falls, and streams; and
    d. statues, outdoor artwork, benches and tables, earth berms, pots and planters.

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

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

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

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

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

140. **"Library"** means a public facility containing printed information, electronic information, and/or pictorial material for the public use and purpose of study, reference, and recreation.

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

142. **"Livestock"** means domestic animals, such as meat and dairy cattle, horses, pigs and poultry, raised for home use or for profit, especially on a farm.

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

144. **"Local street"** means a street which provides for direct access to abutting land and for local traffic movement.

145. **"Lot, Building":** see **"Building Lot"**

146. **"Lot, Corner"**: see **"Corner lot"**

147. **"Lot coverage"** means the portion of a lot that is occupied by buildings or structures including accessory uses.

148. **"Lot Depth, Inside Lots":** see "**Depth"**

149. **"Lot Depth, Multi-frontage and Corner Lots":** see **"Depth"**

150. **"Lot, Double Frontage":** see **"Double frontage"**

151. **"Lot, Flag":** see **"Flag Lot"**

152. **"Lot, Interior"** see **"Interior Lot"**

153. **"Lot layout"** means a plat of a lot, drawn to scale, showing:

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

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

155. **"Lot Line, Front":** see **"Lot line"**

156. **"Lot Line, Front for Flag Lot":** see **"Lot line"**

157. **"Lot Line, Rear for Corner Lot":** see **"Lot line"**

158. **"Lot line, Rear for Interior Lots":** see "**Lot line"**

159. **"Lot line, Side for Corner Lot":** see **"Lot line"**

160. **"Lot line, Side for Interior Lot":** see **"Lot line"**

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

162. **"Lot Width for Corner Lot":** see **"Lot width"**

163. **"Lot Width for Interior Lot":** see **"Lot width"**

164. **"Main building":**

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

165. **"Major collector":** see **"Collector street (major and minor)"**

166. **"Major grading permit":** see **"Grading permit, major"**

167. **"Manufactured home"** means a home or other building of new construction:
    a. without attached axles or wheels;
    b. which has been assembled fully, or in part, upon another site, or in a factory;
    c. moved to the site upon which it is to be permanently assembled; and
    d. which is placed upon a permanent foundation in compliance with the provisions of the City's adopted building code.

168. **"Manufacturing":**
    a. means the assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.
    b. This word is used interchangeably with Industrial.

169. **"Marina"** means a public or private dock or basin providing secure moorings for boats and often offering supply, repair, and other facilities.

170. **"Mining"** means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

171. **"Minor Subdivision"** means the subdivision of a parcel into two or three parcels and where the construction of public improvements to service the created parcels is not required.

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

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

174. **"Mobile food vendor"** is a business that serves food and / or beverages from a self-contained unit either motorized or in a trailer on wheels, conducts all or part of its operations on premises other that 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.

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

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

177. **"Motel":** means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room, which includes automobile courts, tourist courts with more than one building, and motor lodges.

178. **"Multi-family Dwelling":** See **"Dwelling, Multi-family"**

179. **"Neighborhood Grocery Store"** means a store that is 25,000 square feet or less:
   a. where most of the floor area is devoted to the sale of food products for home preparation and consumption;
   b. that typically also offers other home care and personal care products; and
   c. that is substantially larger and carries a broader range of merchandise than convenience stores.

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

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

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

183. **"Non-Depository Institution"** means a financial business, other than a depository institution such as a bank, credit union, mortgage lender, or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act, which includes the following defined businesses:
   a. **"Check Cashing Business":**
      i. means a person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan; and

ii. does not include Depository Institutions, as defined by the State of Utah, or retail sellers engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding 1% of the check or $1 as a service fee that is incidental to its main purpose or business.

b. **"Payday Loan Business"** means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.

c. **"Title Loan Business"** means an establishment providing short term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.

d. **"Deferred Deposit Lender"** means a business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specified date. This definition includes any other business that offers deferred deposit loans, title loans, check cashing services, or loans for payment of a percentage fee exceeding 1% of the check or $1 as a service fee that is incidental to its main purpose or business.

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

185. **"Office"** means a room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

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

187. **"Office, Medical and Health Care":**

a. means:

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

ii. offices devoted to the healing arts so long as licensed and accredited, including massage therapists and licensed physical therapists; and

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

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

189. **"Open space":**

a. means an open, landscaped, and improved area that:

i. is unoccupied and unobstructed by residential or commercial buildings, setbacks between buildings, parking areas, and other hard surfaces that have no recreational value;
ii. provides park or landscaped areas that meet the minimum recreational needs of the residents of the subdivision;

b. includes parks, recreational areas, gateways, trails, buffer areas, berms, view corridors, entry features, or other amenities that facilitate the creation of more attractive neighborhoods;
c. may include hard surfaced features such as swimming pools, plazas with recreational value, sports courts, fountains, and other similar features with recreational value, as well as sensitive lands with recreational value, subject to the limitations stated in the definition of sensitive lands, within a development that have been designated as such at the discretion of the Planning Commission and City Council; and
d. may not include surplus open space located on another lot unless such surplus open space was previously approved as part of an overall site plan, development agreement, or plat approval.

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

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

192. **"Parcel of land"** means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same owner.

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

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

195. **"Parking, Off-street":** See **"Off-street parking"**

196. **"Parks, playgrounds, or community recreation"** means any of the following recreational land uses, which are easily accessible to residents depending on the local needs:
a. areas of natural quality set aside for outdoor recreation such as viewing, sitting, and picnicking;
b. arenas;
c. athletic fields;

d. community centers;
e. golf courses;
f. parks;
g. playgrounds;
h. recreation center buildings;
i. sports facilities;
j. swimming pools;
k. tennis courts;
l. walking and jogging tracks; and
m. any similar public use areas or buildings that provide recreational opportunities.

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

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

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

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

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

202. **"Planned Unit Development (PUD)"** means a development under Chapter 19.07 located in a Planned Unit Development Overlay Zone where residential development is guided by a total design plan and where one or more of the land use ordinances or

subdivision regulations, other than the land use designation, may be allowed in accordance with applicable standards found in Chapter 19.07 to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as specified in this Code.

203. **"Planning Commission"** means the City of Saratoga Springs Planning Commission.

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

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

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

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

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

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

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

211. **"Private kennel":** see **"Kennel, private"**

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

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

214. **"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.

215. **"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.

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

217. **"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.

218. **"Public building":** see **"Building, public"**

219. **"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.

220. **"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.

221. **"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.

222. **"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.

223. **"Public school"**: See **"School, Public"**

224. **"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.

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

226. **"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.

227. **"Recreation rentals"** means an establishment that specializes in the rental of outdoor recreation equipment or similar items and accessories.

228. **"Recreational vehicle sales"** means an establishment that sells motor homes, all-terrain vehicles, snowmobiles, watercraft, and other similar vehicles and accessories.

229. **"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.

230. **"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.

231. **"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.

232. **"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.

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

234. **"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.

235. **"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.

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

237. **"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.

238. **"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.

239. **"Retail, Big box"** means a singular retail or wholesale use, which occupies no less than 50,000 square feet of gross floor area, that may:
    a. require high parking to building area ratios;
    b. have a regional sales market; and
    c. include:
        i. regional retail or wholesale sales; and
        ii. membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

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

241. **"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.

242. **"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.

243. **"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.

244. **"Road, private"**: See **"Private Road."**

245. **"Roadside Stand":** See Produce Stand.

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

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

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

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

250. **“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.

251. **“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.

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

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

254. **“Side yard”:** see **“Yard, side”**

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

256. **“Single family dwelling”**: See **“Dwelling, Single family**

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

258. **“Sexually oriented business”** is defined in 19.23.02.

259. **“Solar Panel”** means a panel designed to absorb the sun’s rays as a source of energy for generating electricity for a structure or other lawful purpose, and may or may not be connected to the power grid. This does not include individual low-voltage items that remain isolated and disconnected from a structure or power grid, such as solar-operated walkway lights or garden lights.

260. **“Storage - Self-storage or mini-storage units”:** 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 may include refrigerated or climate-controlled facilities.

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

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

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

264. **“Street, Local”:** see **“Local street”**

265. **“Street, Public”:** see **“Public street”**

266. **“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.

267. **“Structure height”:** see “**“Building height”**

268. **“Subdivider”:** see **“Developer”**

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

270. **“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.

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

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

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

274. **“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.

275. **"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.

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

277. **"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.

278. **"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.

279. **"Trail"** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.

280. **"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.

281. **"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.

282. **"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.

283. **"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.

284. **"Water Utility Ordinance"** means the City of Saratoga Springs' adopted water utility ordinance.

285. **"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.

286. **"Wireless telecommunication equipment"** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.

287. **"Yard"** means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Code as illustrated in Drawing 1 below.

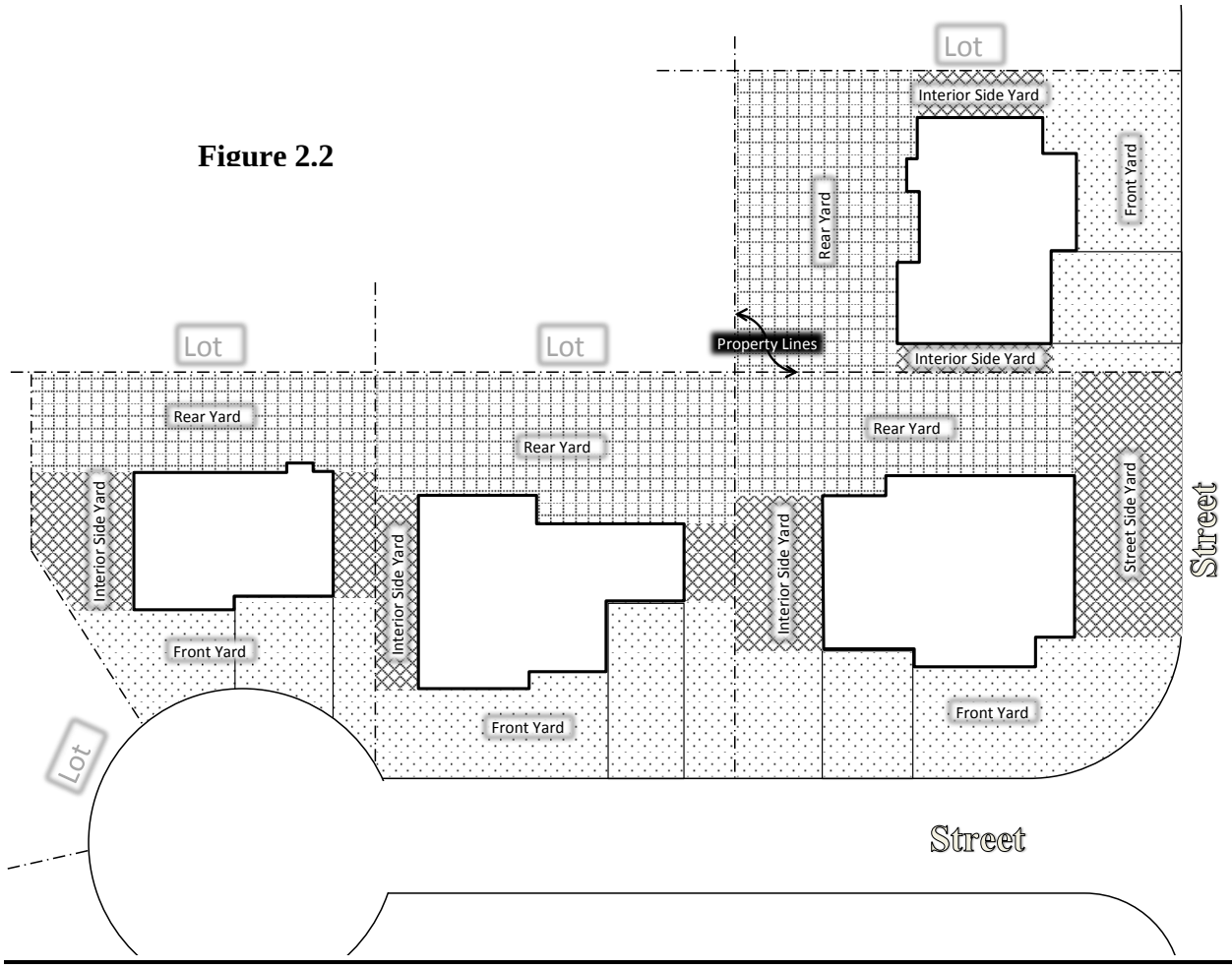
288. **"Yard, front"** means a yard between the front lot line and the front façade of the main building and extending for the full width of the lot as illustrated in Drawing 1 below.

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

290. **"Yard, side"**

a. Interior side yard: means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and
b. Street side yard: means a yard between the street side lot line and the side façade of a main building on a corner lot, extending from the front yard to the rear lot line, as illustrated in Figure 2.2 below.

Figure 2.2



291. **"Zoning map"** means a map that contains all of the land use zone designations for all properties located within the City of Saratoga Springs.

(Ord. 16-17, Ord. 16-01, Ord. 15-29, Ord. 14-23, Ord. 14-13, Ord. 14-4, Ord. 14-1)

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.
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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 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 without first considering the recommendations in the Land Use Element of the General Plan.

(Ord.14-4)

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 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.

(Ord. 14-4)

19.03.09. Appeal Authority for Certain Limited Matters; Terms.

1. For only the actions listed in Section 19.03.12, there is hereby created an Appeal Authority, which shall be composed of a Hearing Examiner who shall be appointed by the Mayor with advice and consent of the City Council.
2. A Hearing Examiner:
    a. shall act in a quasi-judicial manner and serve as arbiter of issues involving the interpretation or application of land use ordinances;
    b. may not have a personal or financial interest in the matter being considered;
    c. may not be a City employee;
    d. may not live in the City of Saratoga Springs;
    e. may not entertain an appeal of a matter in which he or she had first acted as the land use authority; and
    f. shall be administered the oath of office after being appointed and before administering an appeals hearing.

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 19.04. Establishment of Land Use Zones and Official Map.

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19.04.28. Public School Bus Lot (PSBL).

19.04.01. Purpose.

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

19.04.02. Land Use Zones and Classification Established.

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

1. Business Park
2. Developed Open Space
3. High Density Residential
4. Industrial

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

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

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

19.04.03. Gradual Transition of Uses and Density.

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

1. Residential lots, parcels, plats, or developments should not have a difference of more than 20% of density as compared to adjacent lots, parcels, plats, or developments. The intent is for a gradual change of density and uses.

2. The City should avoid allowing high intensity uses (e.g., commercial, industrial, multi-family structures, etc.) adjacent to lower intensity uses (e.g., single family, low density residential, etc.). unless appropriate transitions and buffers are in place. Appropriate buffers and transitions may consist of roadways, landscaping, building orientation and facades, increased setbacks, open spaces, parks, and trails.

3. Despite these guidelines, the City Council recognizes that it will become necessary to allow high intensity next to low intensity uses in order to allow for the implementation of multiple zones in the City. The City Council should use their best efforts to limit inconsistent uses and zones being located on adjacent parcels and to mitigate inconsistent uses and zones through transitions and buffers.

19.04.04. Application of Land Use Zone Regulations.

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

19.04.05. Official Zoning Map.

1. The boundaries of the land use zones established in § 19.04.02 are hereby established as shown on the Official Zoning Map, which together with all explanatory matter thereon is hereby adopted by reference and declared to be part of this Title.

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

19.04.06. Land Use Zone Boundary Interpretation.

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

1. boundaries indicated as approximately following the centerlines of roads or streets, highways, or alleys shall be construed to follow such centerlines;

2. boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. boundaries indicated as approximately following City limits shall be construed as following such City limits;

4. boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines;

5. boundaries indicated as parallel to or extensions of features indicated above shall be so construed;

6. distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and

7. where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in the aforementioned rules, the City Planning Director or designee shall interpret the zone boundaries.

19.04.07. Summary of Land Use Regulations.

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

Saratoga Springs:

Development Standard	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18
Maximum ERUs	1 unit/5 acre*	1 unit/5 acres*	1 unit/ acre*	1 unit/ acre*	2 units/ acre*	3 units/ acre*	4 units/ acre*	5 units/ acre*	6 units/ acre*	10 units/ acre*	14 units/ acre*	18 units/ acre*
Minimum Lot Size:												
Residential, per Residential Building	5 acres	5 acres	1 acre	1 acre	14,000 sq. ft.Ŧ	10000 sq. ft.Ŧ	9000 sq. ft.Ŧ	8000 sq. ft.Ŧ	6000 sq. ft.	5000 sq. ft.	5000 sq. ft.	5000 sq. ft.
Non-residential Use**	5+ acres	5+ acres	1+ acre	1+ acre	1+ acre	1+ acre	1+ acre	1+ acre	1+ acre	1+ acre	1+ acre	1+ acre
Minimum Setbacks (Primary Structure):												
Front	50’	50’	35’	35’	25’	25’	25’	25’	25’	25’	25’	25’
Side	12’	12’	12’	12’	8'/20’	8'/20’	8’/16’	6’/12’	5’/10’	5’/10’	5’/10’	5’/10’
Rear	25’	25’	25’	25’	25’	25’	20’	20’	20’	20’	20’	20’
Corner Lots:												
Front	50’	50’	35’	35’	25’	25’	25’	25’	25’	20’	25’	20’
Side (corner side)	12’	12’	12’	12’	20’	20’	20'	20'	20’	15’	20’	15’
Minimum Setbacks (accessory buildings requiring a building permit): See § 19.05.11 for additional requirements												
Interior Side, Rear	25’	25’	25’	25’	5’	5’	5’	5’	5’	5’	5’	5’
Front: Same as Primary Structure	X	X`	X	X	X	X	X	X	X	X	X	X
Corner Lots: street side: Same as Primary Structure	X	X	X	X	X	X	X	X	X	X	X	X
Distance away from any DU	60’	60’	60’	60’	5’	5’	5’	5’	5’	5’	5’	5’

Minimum Setbacks (accessory buildings not requiring a building permit):												
	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11
Bulk: Width, Frontage, Height, Coverage, Dwelling Size, Open Space												
Lot Width	250’	250’	100’	100’	90’	80’	70’	60’	50’	50’	50’	50’
Lot Frontage	250’	250’	75’	75’	35’	35’	35’	35’	35’	35’	35’	35’
Maximum Building Height	35’	35’	35’	35’	35’	35’	35'	35'	35’	35’	40’	35’
Maximum Lot Coverage	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Minimum Dwelling Size	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	1,500 sq. ft.	1250 sq.ft.	1250 sq.ft.	1250 sq.ft.	1000 sq.ft.	1000 sq.ft.	800 sq.ft.	800 sq. ft.
Minimum % Open Space	None	None	None	None	15%	15%	15%	20%	20%	20%	20%	20%

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

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

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

Ŧ Ŧ See applicable zone district for limitations.

2. Permitted and Conditional Uses by Zone-Residential:

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

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

§§ 19.05.08)												
	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R18**
Bed and Breakfast	C	C	C	C	C	C	C	C				
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P				
Child Care Center	C	C	C	C	C	C	C	C	C	C	C	C
Church	P	P	P	P	P	P	P	P	P	P	P	P
Dairy	C	P										
Dwelling, Multi-Family										P	P	P
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Three-Family									P	P	P	P
Dwelling, Two-Family									P	P	P	P
Educational Center	C	C	C	C	C	C	C	C	C	C	C	C
Equestrian Center	C	C										
Farm Animals (see Section 19.05.05)	P	P	P									
Farmer's Market	C	C	C									
Golf Course	P	P	P	P	C	C	C	C				
Home Occupations	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08
Kennel, Private	C	C	C									
Livestock Auction Yard	C	C										
Plant and Tree Nursery	P	C	C									
Preschool			C	C	C	C	C	C	C	C	C	C
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P
	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R-18**

	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18
Public and private utility building or facility	C	C	C	C	C	C	C	C	C	C	C	C
Public Building or Facilities (City Owned)	C	C	C	C	C	C	C	C	C	C	C	C
Public Parks, playgrounds, recreation areas, or other park improvements*	P	P	P	P	P	P	P	P	P	P	P	P
Residential Facilities for Elderly Persons	C	C	C	C	C	C	C	C	C	C	C	C
Residential Facilities for Persons with a Disability	P	P	P	P	P	P	P	P	P	P	P	P
Riding Arena (Commercial)	C	C	C									
Riding Arena (Private)	P	P	P									
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	C	C	C	C								
School, Public	P	P	P	P	P	P	P	P	P	P	P	P
Stables	P	P	C									
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P
	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R-18**

P = Permitted C = Conditional

*A neighborhood meeting is required for all public parks, public playgrounds, public recreation areas, or other public park improvements prior to new construction. City staff will notify residents within the subdivision or neighborhood area prior to any meeting. Any proposal for a regional park within the City will also be required to go

through a Site Plan review according to the requirements within the Land Development Code.

3. Permitted and Conditional Uses by Zone-Commercial:

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

P= Permitted C= Conditional

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

	NC	MU	RC*	OW	I	MW	BP	IC	PSBL
Child Care Center	C	C	C			C^{A}	C^{A}		
Churches	C	C				C		P	
Commercial & industrial laundries				C	P				
Commercial Recreation		C	C	C	C	P			
Commuter/Light Rail Station			P	P	P		C	C	
Contract construction services establishments				C	P				
Contract Services Office				P	P				
Convenience Store		C	P	C			C^{E}		
Convenience Store/Fast Food Combination			C				C^{E}		
Copy Center	C	P	P	C			C^{A}		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P				$C^{E/A}$		
Dwelling, Above commercial		P	C			P			
Dwelling, Multi-Family		P				P			
Dwelling, Single-Family		P				P			
Dwelling, Three-Family		P				P			
Dwelling, Two-Family		P				P			
Educational Center	C	C	C	C			C	P	
Electronic Media Rental & Sales		C	P						
Electronic Sales & Repair		C	P				C^{A}		
Equipment Sales & Services			C		P				
Financial Institution		P	P				P^{A}		
Fitness Center (5,000 sq. ft. or less)	P	P	P	P		P	P^{A}		
Fitness Center(5,001 sq. ft. or larger)	C	C	C	C			C^{A}		
Floral Sales	P	P	P			P	P^{A}		
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	C	C	C						
Grocery Store		C	P			P			
Hair Salon	P	P	P			P			
	NC	**MU**	**RC***	**OW**	**I**	**MW**	**BP**	**IC**	**PSBL**

	NC	MU	RC*	OW	I	MW	BP	IC	PSBL
Hardware & Home Improvement Retail		C	P						
Home Occupations	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08
Hospital			P				C	P	
Hotels			C	C	C	C	C		
Ice Cream Parlor	P	P	P			P	C[A]		
Impound Yard					C				
Kennel, Commercial			C	C	P				
Laundromat			C	C	C				
Library		P	P					P	
Light Manufacturing				C	C		C		
Marina						P			
Mining					C				
Mixed Use		P				P			
Neighborhood Grocery Store		P				P			
Motels			C	C	C	C			
Non-Depository Institutions			C						
Office, High Intensity				P	C		C		
Office, Medical and Health Care	C	C	P				P	C[A]	
Office, Professional	C	P	P	P	C	P	P		
Public Parks, playgrounds, recreation areas, or other park improvements	P	P	P	P	P	P	P	P	P
Pawn Shop				C	C				
Personal Service Establishment	C	C		C		C	C[A]		
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C			P[A]	P	
Preschool	C	C	C			C[A]	C[A]		
Printing, lithography & publishing establishments				C	C		P		
Public & private utility building or facility			C	C	C	C		C	C
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	
Reception Centers	C	C	P			P	C		
Recreation Center			C		C	C			

Recreation Rentals			P			P			
	NC	**MU**	**RC***	**OW**	**I**	**MW**	**BP**	**IC**	**PSBL**

	NC	**MU**	**RC***	**OW**	**I**	**MW**	**BP**	**IC**	**PSBL**
Recreational Vehicle Sales			C						
Recycling Facilities					C				
Research & Development			C	C	C		P	C[A]	
Residential facilities for elderly persons		C				C			
Residential Facilities for Persons with a Disability		C				C			
Restaurant, Casual			P	C		C[E]	C[E]		
Restaurant, Deli	P	P	P			P	C[A]		
Restaurant, Sit Down	P	P	P	P		P	P[E]		
Retail Sales	P	P	P	P		P	C[A]		
Retail, Big Box			C						
Retail, Specialty	P	P	P	P		P			
Retail, Tobacco Specialty Store				C	C				
School, Public	P	P	P	P	P	P	P	P	P
School, Trade or Vocational				P	P		P	P	
Sexually Oriented Businesses					P				
Shooting Range, indoor or outdoor				C	C				
Storage, Self-Storage, or Mini Storage Units				C	C				
Storage, Outdoor					C				
Storage, Vehicle					C				
Tattoo Parlor					C				
Temporary Sales Trailer		T							
Theater			C			C			
Transit-Oriented Development (TOD)		P				P	C		
	NC	**MU**	**RC***	**OW**	**I**	**MW**	**BP**	**IC**	**PSBL**

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

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

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

(Ord. 16-01, Ord. 15-29, Ord. 14-23, Ord. 14-13, Ord. 14-5)

19.04.08. Agricultural (A).

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

2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Agricultural (A) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Agricultural (A) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is 5 acres. Schools or other nonresidential uses may require a minimum size greater than 5 acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.

5. **Setbacks and Yard Requirements.**
    a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
        i. Front: 50 feet (for corner lots, this applies to both street frontages)
        ii. Sides: 12 feet
        iii. Rear: 25 feet
    b. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
        i. Sides: 25 feet
        ii. Rear: 25 feet
        iii. Front: same as principal structure
        iv. Minimum separation between accessory buildings used for animals and dwellings: 60 feet.
    c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

19.04.09. Residential Agricultural (RA-5).

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

2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Residential Agricultural (RA-5) Land Use Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Residential Agricultural (RA-5) Zone:

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

5. **Setbacks and Yard Requirements.**
    a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks s as follows:
        i. Front: fifty feet (for corner lots, this applies to both street frontages)
        ii. Sides: twelve feet
        iii. Rear: twenty-five feet
    b. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
        i. Sides: twenty-five feet
        ii. Rear: twenty-five feet
        iii. Front: same as principal structure
        iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
    c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

19.04.10. Rural Residential (RR).

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

2. **Permitted Uses.** The identified in 19.04.07.2 as Permitted Uses in the Rural Residential (RR) Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Rural Residential (RR) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is one acre, and may be greater for Conditional Uses. Conditional uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in this Title, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.
5. **Setbacks and Yard Requirements.**
    a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
    b. All buildings intended for occupancy or principal buildings in this zone are required to maintain a minimum distance from property lines as follows:
        i. Front: thirty-five feet (for corner lots, this applies to both street frontages)
        ii. Sides: twelve feet
        iii. Rear: twenty-five feet
    c. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
        i. Sides: twenty-five feet
        ii. Rear: twenty-five feet
        iii. Front: same as principal structure
        iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
    d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

    (Ord. 14-23, Ord. 14-13)

19.04.11. Low Density Residential (R-1).

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

2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Low Density Residential (R-1) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Low Density Residential (R-1) Zone.

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

5. **Setbacks and Yard Requirements.**
    a. All buildings intended for occupancy or principal buildings in this zone are required to maintain minimum setbacks as follows:
        i. Front: thirty-five feet (for corner lots, this applies to both street frontages)
        ii. Sides: twelve feet
        iii. Rear: twenty-five feet
    b. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
        i. Sides: twenty-five feet
        ii. Rear: twenty-five feet
        iii. Front: same as principal structure
        iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
    c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

19.04.12. Low Density Residential (R-2).

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

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

4. **Minimum Lot Sizes.**
    a. The minimum lot size for any residential use in this zone is 14,000 square feet, and may be greater for Conditional Uses. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.
    b. Residential lots may be proposed that are less than 14,000 square feet as indicated in this Subsection.
        i. The City Council may approve a reduction in the lot size if such reduction serves a public or neighborhood purpose such as:
            1. a significant increase in the amount or number of parks and recreation facilities proposed by the developer of property in this zone;
            2. the creation of additional and significant amenities that may be enjoyed by all residents of the neighborhood;
            3. the preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space requirements in this zone – see definition of "open space" in Section 19.02.02); or
            4. any other public or neighborhood purpose that the City Council deems appropriate.
        ii. In no case shall the overall density in any approved project be increased above what is allowed within the underlying zone as a result of an approved decrease in lot size pursuant to these regulations.
        iii. In making a determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
        iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
        v. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.
    c. The minimum lot size for any non-residential use in this zone is one acre.
        i. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The

City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre in size:

1. the maximum number of individuals using the building at one time;
2. the number of required off-street parking spaces required in this Title;
3. traffic and transportation concerns;
4. compatibility with adjacent uses;
5. adverse impacts on adjacent uses; and
6. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.)

5. **Setbacks and Yard Requirements.**
   a. All primary and accessory buildings requiring a building permit in this zone are required to maintain a minimum distance from property lines as follows:
      i. Front: twenty-five feet. An unenclosed front entry or porch may encroach up to five feet into the required front setback.
      ii. Sides: 8/20 feet (minimum/combined)
      iii. Rear: twenty-five feet
   b. Corner Lots:
      i. There shall be a minimum setback on corner lots as follows:
         1. Front: twenty-five feet
         2. Side abutting the street: twenty feet
      ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
   c. All accessory buildings in this zone are also required to maintain a five-foot minimum separation between accessory buildings and dwellings in this land use zone.
   d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

19.04.13. Low Density Residential (R-3).

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

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

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

4. **Minimum Lot Sizes.**
    a. The minimum lot size for any residential use in this zone is 10,000 square feet.
    b. Residential lots may be proposed that are less than 10,000 square feet as indicated in this Subsection.
        i. The City Council may approve a reduction in the lot size if it finds that such a reduction serves a public or neighborhood purpose such as:
            1. a significant increase in the amount or number of parks and recreation facilities proposed by the developer of property in this zone;
            2. the creation of significant amenities that may be enjoyed by all residents of the neighborhood;
            3. the preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space requirements in this zone – see the definition of "open space" in § 19.02.02); or
            4. any other public or neighborhood purpose that the City Council deems appropriate.
        ii. In no case shall the overall density in any approved project be increased as a result of an approved decrease in lot size pursuant to these regulations.
        iii. In making its determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
        iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
        v. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.
    d. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more

property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:

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

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

5. **Setbacks and Yard Requirements.**
   a. All principal buildings in this zone are required to maintain a minimum distance from property lines as follows:
      i. Front: twenty-five feet. An unenclosed front entry and porch may encroach up to five feet into the required front setback.
      ii. Sides: 8/20 feet (minimum/combined)
      iii. Rear: twenty-five feet
   b. Corner Lots:
      i. There shall be a minimum setback on corner lots as follows:
         1. Front: twenty-five feet
         2. Side abutting the street: twenty feet
      ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
   c. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
      i. Interior: five feet
      ii. Rear: five feet
      iii. Corner front and street side: same as principal structure
   d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
   e. There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13, Ord. 14-5).

19.04.14. Low Density Residential (R-4).

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

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

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

4. **Minimum Lot Sizes.**
    a. The minimum lot size for any residential use in this zone is 9,000 square feet.
    b. Residential lots may be proposed that are less than 9,000 square feet as indicated in this Subsection.
        i. The City Council may approve a reduction if it finds that such a reduction serves a public or neighborhood purpose such as:
            1. A significant increase in the amount or number of parks and recreation facilities proposed by the developer of the property in this zone;
            2. The creation of significant amenities that may be enjoyed by all residents of the neighborhood;
            3. The preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space requirements in this zone – see definition of "open space" in § 19.02.02); or
            4. Any other public or neighborhood purpose that the City Council deems appropriate.
            5. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.
        ii. In no case shall the overall density in any approved project be increased as a result of an approved decrease in lot size pursuant to these regulations.
        iii. In making its determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
        iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
    c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches, or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
        i. the maximum number individuals using the building at one time;
        ii. the number of required off-street parking spaces required in this Title;

iii. traffic and transportation concerns;
iv. compatibility with adjacent uses;
v. adverse impacts on adjacent uses; and
vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.

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

5. **Setbacks and Yard Requirements.**
   a. All principal buildings in this zone are required to maintain setbacks as follows
      i. Front: twenty-five feet. An unenclosed front entry and porch may encroach up to five feet into the required front setback.
      ii. Sides: 8/16 (minimum/combined)
      iii. Rear: twenty feet
   b. Corner Lots:
      i. There shall be a minimum setback on corner lots as follows:
         1. Front: twenty-five feet
         2. Side abutting the street: twenty feet
      ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
   c. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
      i. Interior Sides: five feet
      ii. Rear: five feet
      iii. Front: same as principal structure
      iv. Corner front and street-side: same as principal structure
   d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
   e. There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

19.04.15. Low Density Residential (R-5).

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

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

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

4. **Minimum Lot Sizes.**
    a. The minimum lot size for any residential use in this zone is 8,000 square feet.
    b. Residential lots may be proposed that are less than 8,000 square feet as indicated in this Subsection.
        i. The City Council may approve a reduction if it finds that such a reduction serves a public or neighborhood purpose such as:
            1. A significant increase in the amount or number of parks and recreation facilities proposed by the developer of the property in this zone;
            2. The creation of significant amenities that may be enjoyed by all residents of the neighborhood;
            3. The preservation of sensitive lands (these areas may or may not be eligible to be counted towards the open space requirements in this zone – see definition of "open space" in § 19.02.02; or
            4. Any other public or neighborhood purpose that the City Council deems appropriate.
            5. In no case shall the City Council grant a residential lot size reduction for more than 25% of the total lots in the development.
        ii. In no case shall the overall density in any approved project be increased as a result of an approved decrease in lot size pursuant to these regulations.
        iii. In making its determination, the City Council shall have sole discretion to make judgments, interpretations, and expressions of opinion with respect to the implementation of the above criteria. In no case shall reductions in lot sizes be considered a development right or a guarantee of approval.
        iv. In no case shall the City Council approve a residential lot size reduction greater than ten percent notwithstanding the amenities that are proposed.
    c. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
        i. the maximum number individuals using the building at one time;
        ii. the number of required off-street parking required in this Title;
        iii. traffic and transportation concerns;

iv. compatibility with adjacent uses;
v. adverse impacts on adjacent uses; and
vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.

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

5. **Setbacks and Yard Requirements.**
   a. All principal buildings in this zone are required to maintain minimum setbacks as follows:
      i. Front: twenty-five feet. An unenclosed front entry and porch may encroach up to five feet into the required front setback.
      ii. Sides: 6/12 (minimum/combined)
      iii. Rear: twenty feet
   b. Corner Lots:
      i. There shall be a minimum setback on corner lots as follows:
         1. Front: twenty-five feet
         2. Side abutting the street: twenty feet
      ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
   c. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
      i. Interior side: five feet
      ii. Rear: five feet
      iii. Front: same as principal structure
      iv. Corner: same as principal structure
   d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.
   e. There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

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

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

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

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

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

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

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

(Ord.14-23, Ord. 14-13)

19.04.16. Medium Density Residential (R-6).

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

2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Medium Density Residential (R-6) Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Medium Density Residential (R-6) Zone.

4. **Minimum Lot Sizes.**
    a. The minimum lot size for any residential use in this zone is 6,000 square feet. For Two-Family and Three-Family Structures where each dwelling is separately owned, the minimum lot size shall be based on each building rather than each individual dwelling.
    b. The minimum lot size for any non-residential use in this zone is one acre. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
        i. the maximum number individuals using the building at one time;
        ii. the number of required off-street parking required in this Title;
        iii. traffic and transportation concerns;
        iv. compatibility with adjacent uses;
        v. adverse impacts on adjacent uses; and
        vi. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.
    c. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements.

5. **Setbacks and Yard Requirements.**
    a. All principal buildings in this zone are required to maintain minimum setbacks as follows:
        i. Front: twenty-five feet.
            1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
            2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be

combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 15 feet.

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

iii. Rear: twenty feet

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

c. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
    i. Interior side: five feet
    ii. Rear: five feet
    iii. Front: same as principal structure
    iv. Corner: same as principal structure

d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

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

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

2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Medium Density Residential (R-10) Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Medium Density Residential (R-10) Zone.

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

5. **Setbacks and Yard Requirements.**
    a. All principal buildings in this zone are required to maintainsetbacks as follows:

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

ii. Sides:
    1. single family residences: 5/10 feet (minimum/combined)
    2. multi-family structures: ten feet

iii. Rear: twenty feet

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

c. All accessory building requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
    i. Interior sides: five feet
    ii. Rear: five feet
    iii. Front: same as principal structure
    iv. Corner: same as principal structure

d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

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

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

2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the High Density Residential (R-14) Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the High Density Residential (R-14) Zone.

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

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

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

2. An unenclosed front entry or porch may encroach up to five feet into the twenty-five-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.

ii. Sides:

1. single family residences: 5/10 feet (minimum/combined)
2. multi-family structures: ten feet

iii. Rear: twenty feet

c. Corner Lots:

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

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

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

d. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:

i. Interior sides: five feet
ii. Rear: five feet
iii. Front: same as principal structure
iv. Corner street-side: same as principal structure

e. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

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

(Ord. 14-23, Ord. 14-13)

19.04.19. High Density Residential (R-18).

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

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

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

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

5. **Setbacks and Yard Requirements.**
    a. Setbacks and yard requirements describe the amount of space required between

buildings and property lines.

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

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

d. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
    i. Interior sides: five feet
    ii. Rear: five feet
    iii. Front: same as principal structure
    iv. Corner street-side: same as principal structure

e. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.

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

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

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

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

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

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

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

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

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

(Ord. 14-13)

19.04.20. Neighborhood Commercial (NC).

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

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Neighborhood Commercial (NC) Zone.

3. **Conditional Uses.**
    a. The uses identified in 19.04.07.3 as Conditional Uses in the Neighborhood Commercial Zone.
    b. Additional standards for Conditional Uses in the Neighborhood Commercial Zone:
        i. Drive through windows shall in no case be allowed in the Neighborhood Commercial Zone.
        ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

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

5. **Setbacks and Yard Requirements.**
    a. All structures in this zone are required to maintain minimum setbacks as follows:
        i. Front: twenty-five feet
        ii. Sides: twenty-five feet
        iii. Rear: twenty-five feet
        iv. Exceptions: the City Council may reduce no more than one setback requirement by up to ten feet if:
            1. The setback is along a collector or arterial frontage, and
            2. The setback does not abut residentially developed or zoned properties.

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

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

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

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

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

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

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

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

(Ord. 14-13)

19.04.21. Mixed Use (MU).

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

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

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

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

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

5. **Setbacks and Yard Requirements.**
    a. All buildings in this zone are required to maintain minimum setbacks as follows:
        i. Front: twenty feet.
            1. The front setback may be reduced to twelve feet if the garage is setback from the front plane of the home, but in no case shall the garage be located closer than twenty feet to the front property line.
            2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback but only if the front setback is not reduced due to a garage that is set back from the front plane of the home.
        ii. Sides: single family residences: 5/10 feet (both combined – minimum); multi-family structures: ten feet
        iii. Rear: twenty feet
    b. Corner Lots, there shall be a minimum setback on corner lots as follows:
        i. Front: twenty feet
        ii. Side: fifteen feet
        iii. The front and side setbacks can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.
    c. All accessory buildings in this zone are required to maintain distances from property lines and other dwellings as follows:
        i. Sides: five feet
        ii. Rear: five feet

6. **Minimum Lot Width.** For single family homes, the minimum lot width shall be at least 50 feet. There is no minimum lot width requirement for other land uses or projects in this zone.

7. **Minimum Lot Frontage.** For single family homes, minimum lot frontage shall be no less than thirty-five feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.

8. **Maximum Height of Structures.** No structure in this zone shall exceed a maximum of four stories in height.

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

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

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

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

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

(Ord. 14-13)

19.04.22. Regional Commercial (RC).

1. **Purpose.** The purpose of the Regional Commercial Land Use Zone is to allow, in appropriate areas, commercial businesses and shopping centers of a scale that will serve neighborhood, community-wide, and regional shopping needs. These regulations should preserve the existing quality and livability of the City while still assuring maximum efficiency of traffic circulation and convenience.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Regional Commercial (RC) Zone.

3. **Conditional Uses.** The uses identified in the table in 19.04.07.3 as Conditional Uses in the Regional Commercial (RC) .

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

5. **Setbacks and Yard Requirements.**
    a. All buildings in this zone are required to maintain minimum fsetbacks as follows:
        i. **Front:** Not less than twenty feet.
        ii. **Sides:** Thirty feet where adjacent to a residential or agricultural zone, twenty feet when adjacent to all other zones.
        iii. **Rear:** Twenty feet for all uses except where a rear yard is located adjacent to a residential or agricultural zone. In those cases, the rear yard shall be increased to thirty feet.
        iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property.
        v. **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window.

6. **Structure Height.** No structure in this zone shall be taller than fifty feet.

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

8. **Minimum Building Size.** Individual structures within this land use zone shall be a minimum of 1,000 square feet above grade.

9. **Development Standards.** The following development standards shall apply to the Regional Commercial Zone:
    a. **Architectural Review.** The Planning Commission shall review the Site Plan and building elevations. The Planning Commission may offer recommendations for Architectural design of buildings and structures to assure compatibility with

adjacent development and the vision of the Land Use Element of the General Plan.

b. **Landscaping.**

i. Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than twenty feet (or as reduced in Subsection 5.b. above) as approved through the Site Plan review process.

ii. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses.

iii. All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a Certificate of Occupancy for the building.

iv. The Building Official may approve exceptions as seasonal conditions warrant.

v. Any proposed change to the approved landscaping plan will require an amended Site Plan approval.

vi. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

10. **Uses Within Buildings.**

a. All uses in the Regional Commercial Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside.

b. Such uses include, automobile refueling stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.

c. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the City Council deems such storage to be customarily and appropriately conducted outside.

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

12. **Buffering/Screening Requirements.**

a. A wall, fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an existing platted agricultural or residential use. Such a wall, fence, or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the City Council as part of a Site Plan review. Such wall, fence, or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the Chapter 19.18.

b. All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping.

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

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

(Ord. 16-01, Ord. 14-13)

19.04.23. Office Warehouse (OW).

1. **Purpose.** The purpose of the Office Warehouse Land Use Zone is to allow for large lot warehouse and select office development in appropriate locations. Development under these regulations should provide for certain types of offices, commercial, and warehouse and shipping operations in an industrial setting characterized by large buffer strips, open space and landscaping requirements, and quality site development standards.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Office Warehouse Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Office Warehouse Zone.

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

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

6. **Setbacks and Yard Requirements.**
   a. All buildings in this zone are required to maintain minimumsetbacks as follows:
      i. **Front:** Not less than fifty feet.
      ii. **Sides:** Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process.
      iii. **Rear:** Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of fifty feet..
      iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the

quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.

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

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

8. **Lot Coverage.** Buildings shall not cover more than fifty percent of the total lot area.

9. **Minimum Lot Width.** The minimum lot width in this zone is seventy feet.

10. **Development Standards.** The following development standards shall apply to this zone:
    a. **Architectural Review.** The Development Review Committee shall review the Site Plan and building elevations. The Development Review Committee shall offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
    b. **Landscaping Buffers.** Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than fifteen feet as approved through the Site Plan review process. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. See Chapter 19.09, Off-street Parking Requirements.
    c. **Landscaping Required.** All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a Certificate of Occupancy for the building. The Building Official may approve exceptions as seasonal conditions warrant. Any proposed change to the approved landscaping plan will require an amended Site Plan approval. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

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

c. Due to the inherent dangers of some Office Warehouse uses and environments, the City Council reserves the right to preclude or restrict the ancillary provision of Child Care services within a building.

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

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

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

(Ord. 16-01, Ord. 14-13)

19.04.24. Industrial (I).

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

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

3. **Conditional Uses.** The Industrial Zone allows the Conditional Uses uses identified in 19.04.07.3.

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

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

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

commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of fifty feet.

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

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

7. **Maximum Height of Structures.** No structure in this zone shall be taller than fifty feet.

8. **Lot Coverage.** Buildings shall not cover more than fifty percent of the total lot area.

9. **Development Standards.** The following development standards shall apply to this zone:
   a. **Architectural Review.** The Development Review Committee shall review the Site Plan and building elevations. The Development Review Committee shall offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
   b. **Landscaping Buffers.** Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than fifteen feet as approved through the Site Plan review process. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. See Chapter 19.09, Off-street Parking Requirements.
   c. **Landscaping Required.** All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a Certificate of Occupancy for the building. The Building Official may approve exceptions as seasonal conditions warrant. Any proposed change to the approved landscaping plan will require an amended Site Plan approval. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

10. **Uses Within Buildings.**
    a. All uses in the Industrial Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside. Such uses include, automobile refueling stations,

gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.

b. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the City Council deems such storage to be customarily and appropriately conducted outside.

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

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

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

(Ord. 14-13)

19.04.25. Mixed Waterfront (MW).

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

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Mixed Waterfront Zone.

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

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

required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:

1. the maximum number individuals using the building at one time;
2. the number of required off-street parking required in this Title;
3. traffic and transportation concerns;
4. compatibility with adjacent uses;
5. adverse impacts on adjacent uses; and
6. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.

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

5. **Setbacks and Yard Requirements.**

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

b. All primary buildings in this zone are required to maintain minimum setbacks as follows:

i. Front: Twenty-five feet.

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

ii. Sides:

1. single family structures: 5/10 feet (minimum/combined);
2. multi-family and non-residential structures: 5 feet to property line or 10 feet between structures, whichever is greater.

iii. Rear: 15 feet

c. Corner Lots:

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

1. Front: 20 feet
2. Side abutting street: 15 feet

ii. The front setback and the side setback abutting the street can be reversed, but in no case shall the two setbacks be less than 20 and 15 feet.

d. All accessory structures in this zone are subect to the standards identified in Section 19.05.

e. Accessory structures requiring a building permit shall be set back a minimum of 5 feet from rear and interior side property lines, and shall not be placed within any front or street-side yard area..
f. There shall be a five foot minimum separation between all sides of the accessory buildings and any other structure in this zone.

6. **Minimum Lot Width.** For single family homes, the minimum lot width shall be no less than 50 feet. For multi-family structures where each unit is separately owned, the minimum lot width shall be based on each building rather than each individual unit.

7. **Minimum Lot Frontage.** For single family homes, the minimum lot frontage shall be no less than 35 feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual unit.

8. **Maximum Height of Structures.** No structure in this zone shall exceed 40 feet in height.

9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%. For multi-family units where each dwelling is separately owned, the maximum lot coverage shall be based on each building rather than each individual unit.

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

11. **Development Standards.** The following development standards shall apply to this zone:
    a. **Architectural Review.** The Design Review Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
    b. **Landscaping Buffers.** For multi-family and non-residential structures, Front yards and other yard areas facing a public street shall have a landscaped area of not less than15 linear feet. There shall be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)

12. **Open Space and Landscaping Requirement.** There shall be a minimum requirement of 25% of the total residential project area to be installed as open space for either public or common space not reserved in individual lots, and a minimum requirement of 25% of the total commercial project area to be installed as landscaping. Open space shall meet the definition in Section 19.02.02. If the open space is common space, the developer shall record a public access easement at plat recordation. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (13) below.

13. **Sensitive Lands.**

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

14. **Timing of Open Space and Landscaping Installation.** All open space and landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required improvements in accordance with Section 19.06.05. . It shall be the responsibility of the property owner to maintain all approved open space and landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

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

(Ord. 16-01, Ord. 15-29, Ord. 14-13)

19.04.26. Business Park (BP).

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

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

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

4. **Minimum Development Size and Lot Size.**
   a. The minimum size requirement for single-building development in this zone is 1 acre; the minimum size requirement for business park or multiple building development in this zone is 5 acres.
   b. Lots within a 5 acre or larger development may be created based upon an approved Master Development Plan contained in a Master Development Agreement. However, in no case shall any lot in this zone be smaller than 30,000 square feet.
   c. All developments in this zone are required to develop a Master Development Plan that includes maps and descriptions of how the entire 5 acres is anticipated to be developed (see Chapters 19.12, 19.13, and 19.14) and to enter into a Master Development Agreement.
   d. All uses, lots, or parcels in this zone shall be of sufficient size to assure compliance with the City's development standards.

5. **Setbacks and Yard Requirements.**
   a. All buildings in this zone, including accessory buildings, are required to maintain minimum setbacks as follows:
      i. **Front**: 50 feet.
      ii. **Sides**: 30 feet where adjacent to a residential zone. The City Council may reduce the side yard setbacks to 10 feet where the side property line abuts a commercial, industrial, or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the side of the building faces an arterial or collector street, there shall be a setback of 30 feet.

iii. **Rear**: 30 feet where adjacent to a residential zone. The City Council may reduce the rear setback to 10 feet where the rear property line abuts a commercial, industrial, or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of the building faces an arterial or collector street, there shall be a setback of 30.

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

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

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

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

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

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

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

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

12. **Buffering/Screening Requirements.**
    a. A solid wall, solid fencing, or landscaping of acceptable design shall effectively

screen the borders of any commercial or industrial lot which abuts an agricultural or residential use. Such a solid wall, solid fence, or landscaping shall be at least six feet in height, unless otherwise allowed by the City Council during Site Plan review. Such solid wall, solid fence, or landscaping shall be maintained in good condition with no advertising thereon.

b. All developments shall have a minimum number of both deciduous and evergreen trees and shall comply with the requirements of Chapter 19.06, Landscaping.

13. **Landscaping Requirements.**
    a. There shall be a minimum of 20% of the total project area to be used for landscaping.
    b. All sensitive lands shall be protected. Subject to subsection (14) below and the discretion of the City Council, credit towards meeting minimum landscaping requirements may be given for sensitive lands defined in Chapter 19.02. However, no more than 50% of the required landscaping shall be comprised of sensitive lands or detention areas.

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

15. **Timing of Landscaping Installation.** All landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

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

(Ord. 16-01, Ord. 14-13)

19.04.27. Institutional/Civic (IC).

1. **Purpose and Intent.**
    a. The purpose of the Institutional/Civic (IC) Land Use Zone is to allow for public or quasi-public land uses.
    b. Development under these regulations should provide for university or college campuses as well as traditional schools, libraries, hospitals, public buildings or facilities, and other land uses that provide essential services to the general public.

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

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

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

5. **Setbacks and Yard Requirements.**
    a. All buildings in this zone, including accessory buildings, are required to maintain minimum setbacks as follows:
        i. **Front**: 30 feet.
        ii. **Sides**: 30 feet when adjacent to a residential zone; 20 feet when adjacent to all other zones. In the event that the side of the building faces an arterial or collector street, there shall be a side setback of 30 feet.
        iii. **Rear**: 30 feet when adjacent to a residential zone; 20 feet when adjacent to all other zones. In the event that the rear of the building faces an arterial or collector street, there shall be a rear setback of 30 feet.
        iv. **Exceptions:** The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.
        v. **Other general requirements:** In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space to provide for building foundation landscaping and to provide protection to the building.

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

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

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

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

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

11. **Landscaping Requirements.**
    a. There shall be a minimum of 20% of the total project area to be used for landscaping.
    b. Subject to subsection (12) below and the discretion of the City Council, credit towards meeting minimum landscaping requirements may be given for sensitive lands defined in Chapter 19.02. However, no more than 50% of the required landscaping shall be comprised of sensitive lands or detention areas.

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

13. **Timing of Landscaping Installation.** All landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

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

(Ord. 16-01, Ord. 14-13)

19.04.28. Public School Bus Lot (PSBL).

1. **In General.**
    a. The purpose of the Public School Bus Lot (PSBL) Land Use Zone is to allow for a specific land area used for the storage or layover of public school buses or motor coaches.
    b. Development under these regulations may only provide for a bus lot, administrative office space, maintenance facilities, fueling stations, or other accessory uses associated with a public school district in a specific setting. Such development is characterized by large buffer strips, open spaces, landscaping, and quality site development standards.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Public School Bus Lot Zone.

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

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

5. **Setbacks/Yard Requirements.** All buildings in this zone, including accessory buildings, are required to maintain minimum setbacks as follows:
    a. Front: 50 feet. The City Council may reduce the front setback to 30 feet if in its judgment the reduction provides a more attractive and efficient use of property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.
    b. Sides: 50 feet when adjacent to a residential zone. The City Council may reduce the side yard setbacks to 30 feet where the side property line abuts a commercial, industrial, school or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the side of the building faces an arterial or collector street, there may be a setback of 30 feet.
    c. Rear: 50 feet when adjacent to a residential zone. The City Council may reduce the rear setback to 30 feet where the rear property line abuts a commercial, industrial, school or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of the building faces an arterial or collector street, there may be a setback of 30.
    d. Other general requirements: In addition to the specific setback requirements noted above, no building shall be closer than 5 feet to any private road, driveway or parking space. The intent of this requirement is to provide for landscaping and protection to the building.

6. **Maximum Height of Structures.** No structure in this zone shall be taller than 35 feet.

7. **Maximum Lot Coverage.** The maximum building and parking lot coverage in this zone is 80%.

8. **Development Standards.**
    a. **Architectural Review.** The Design Review Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
    b. **Landscaping Buffers.** Front yards and other yard areas abutting a public street, shall have a landscaped area of not less 15 linear feet. There shall be a minimum of 20 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. *See Chapter 19.09, Off-street Parking Requirements.*

9. **Uses Within Buildings.** All uses in the Public School Bus Lot Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside. Such outdoor uses include bus and vehicle storage (with a required structure to cover passenger buses or motor coaches), fueling stations, and other associated accessory uses.

10. **Buffering/Screening Requirements.** A solid wall and landscaping shall be required to effectively screen the borders of any public school bus lot which is located within 300 feet of an agricultural or residential use. A solid wall that is 8 feet in height is required. Such 8' solid wall, and landscaping shall be maintained in good condition with no advertising thereon. Wall covers may be required at specific locations which allow for site lines into a site. This will be determined during the Site Plan review process. Appropriate berming shall also be incorporated into the site design to screen and buffer any public school bus lot. This will include sculptured berms placed in required landscaping areas. All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping and Fencing.

11. **Landscaping Requirements.**
    a. There shall be a minimum of 20% of the total project area to be used for landscaping.
    b. All sensitive lands shall be protected as part of the landscaped area of any development.
    c. Subject to the discretion of the City Council, credit towards meeting minimum open space requirements may be given for sensitive lands defined in Chapter 19.02. However, no more than 50% of the required landscaping area shall be comprised of sensitive lands or detention areas.

12. **Timing of Landscaping Installation.**
    a. All landscaping shall be completed in accordance with the approved Site Plan or Plat approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building.
    b. A Performance and Warranty Bond will be required in accordance with Section

19.12.05.

c. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required landscaping improvements in accordance with Section 19.06.05.
d. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

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

(Ord. 16-01, Ord. 14-13, Ord. 14-1; Ord. 13-22)

Chapter 19.05. Supplementary Regulations.

Sections:

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

19.05.01. Purpose.

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

19.05.02. General Supplemental Regulations.

1. **Semi-Private Recreation Clubs.** The Planning Commission may permit, as a Conditional Use, the use of land in any zone for semi-private swimming clubs, tennis courts, or other recreational facilities providing that in all such cases, the following conditions are met:
    a. the facilities shall be owned and maintained by the members; and
    b. a minimum of seventy-five percent of the membership must be residents of the neighborhood or section of the subdivision.

2. **Yard Space, Open Space, Setbacks, and Other Requirements for One Building Only.** Required yards or open space around an existing building shall not be considered as providing yard or open space for any other building for the purpose of complying with the provisions of this Title. In addition, yards or other open space on an adjoining lot shall not be considered as providing a yard or open space on a lot whereon a building is to be erected or established. Areas needed to meet the width, depth, yard, area, parking, or other requirements of this Title for a lot or building may not be sold or leased away from such lot or building.

3. **Every Dwelling on a Lot.** Every dwelling structure shall be located and maintained on a separate lot or parcel having no less than the minimum area, width, depth, and frontage required by this Title for the zone in which the dwelling structure is located, except that group dwelling complexes or other more flexible requirements as permitted by this Title, may vary from this requirement.
    a. Lots or parcels for which a development permit has been issued or for which a subdivision has received preliminary plat approval, and for which on-site development activity has begun, may no longer obtain a building permit for a dwelling based upon the original lot.
    b. Lots or parcels for which preliminary plat approval has been given, but which development permit has either expired or been vacated by request of the property owner, may again obtain a building permit for the original lot.

4. **Lot Standards.** Except as otherwise provided in this Title, every lot within the City shall have such area and the required frontage upon a dedicated public or approved private street, as is required in this Title, before a building permit may be issued.

5. **Exceptions to Building Height Limitations.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, fire, or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, theater lofts, silos, solar collectors, solar louvers and reflectors, or similar structures may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for purposes of providing additional floor space, nor shall it provide for human occupancy.

6. **Approval of Culinary Water Supply and Sewage Disposal Required.** Where either a supply of piped water under pressure, approved for use by the City, or a connection to an approved sanitary sewer system is not available, no building permit shall be issued until the proposed plan for sewage disposal and the proposed source of water supply has been approved by the City of Saratoga Springs and County Health Department.

7. **No Building in Flood Plain.** No building, structure, fence, or other obstruction may be constructed within any portion of Zone A as defined on the FEMA Flood Insurance Map.

8. **Effect of Transportation Master Plan on Location of Structures.** No building lot shall be created and no structure shall be erected within the location of a proposed street, road, highway, or right-of-way as shown on the City's currently-approved Transportation Master Plan.

9. **Location of Agricultural Accessory Structures.** Except as otherwise provided in Title 19, no barn, silo, equipment shed, storage building, or similar accessory building to an agricultural use of land may be constructed or relocated closer than ten feet to any side or rear boundary line or closer than 100 feet to any public street or any dwelling on adjacent properties. Reductions to the 100 foot requirement may be granted by the Planning Commission on a case-by-case basis through a conditional use permit using the process and criteria outlined in Chapter 19.15.

10. **Minimum Height of Dwellings.** In those zones allowing dwellings, no dwelling shall be erected where more than ten percent of its main floor area is, or will be, below the finished surface grade. No basement houses shall be permitted.

11. **Property Access Requirements.** No building permit shall be issued for a building that is to be constructed on a lot or parcel that does not either abut a dedicated public street or highway or a private roadway to allow for police, fire, and emergency services.

12. **Height of Accessory Buildings**. In all zones except for the A, RA-5, and RR zones, no accessory building shall be taller than any main structure or dwelling.

13. **Substandard Lots.** The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the use of a single-family dwelling on any lot or parcel of land in the event that such lot has been held in separate ownership since adoption of these regulations and meets the definition of nonconforming use or structure in the Utah Code.

14. **Swimming Pool (private).** Private swimming pools may be allowed in any residential zone as an accessory use if the following requirements are met:
    a. it is an accessory use in a residential zone and is located within a side or rear yard;
    b. it is intended and is to be used solely for the enjoyment of the occupants and guests of dwelling or dwellings on the property on which it is located;
    c. it may not be located closer than five feet to any property line of the property on which it is located;
    d. shall not be located within any public utility easement;
    e. the swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. Where a swimming pool is located less than thirty feet from any property line, the pool shall be enclosed within a view obstructing wall or fence not less than six feet in height. Vegetation on or near a fence or wall shall not be considered view obstructing. All gates on said fences shall be fitted with a latching device located on the interior side of the gate;
    f. where a swimming pool is completely enclosed in a building, the location requirements for accessory and main buildings shall apply. Where a swimming pool is to be located in the near vicinity of any septic tank or sewage disposal drain field, the location must be approved by the Utah County Health Department; and
    g. any pool lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents.

15. **Sports Court (private).** No sports court shall be allowed in any zone except as an accessory use and unless it complies with the following conditions and requirements:
    a. it is an accessory use to a main building and is located within the side or rear yard thereof;
    b. it is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;

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

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

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

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

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

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

(Ord. 15-29, Ord. 14-23, Ord. 14-22, Ord. 14-4)

19.05.03. Wireless Telecommunication Equipment.

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

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

3. **Free-standing antennae or towers.**
    a. Proliferation minimized. No new mono-pole or other free-standing structure shall be approved unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure.
    b. Mono-pole towers. Mono-pole towers are required to obtain Conditional Use approval prior to construction.
    c. Other free-standing structures. Free-standing antennae or towers are required to obtain Conditional Use approval prior to construction.
    d. 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.
    e. Maximum height limits for free-standing antennae or mono-pole towers for defined land use zones are as follows:

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

    * The maximum height for towers within 200 feet of residential development existing at the time of tower construction shall be 40 feet, and any lightning poles or other items attached to the antennae or mono-pole.

    f. 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.

(Ord. 16-17)

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 ¾ 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 provisions in this Section, is a commercial business venture for which a business license is required.

2. **Uses:** the following are acceptable Temporary Uses, as defined in Section 19.02.02:
   a. Produce Stand or Farmers Market
   b. Fireworks Stand*
   c. Christmas Tree Lot
   d. Snow Shack or Ice Cream Vendor, fixed location*
   e. Snow Shack or Ice Cream Vendor, motorized**
   f. Pumpkin Patch
   g. Festivals including Bazaars or Fairs*
   h. Temporary Retail (tent or sidewalk sale)*
   i. Mobile Food Vendors*

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

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

3. **Standards for Temporary Uses.** A Temporary Use shall comply with the general standards as provided within this section:
   a. Written approval from all brick and mortar businesses, meaning a permitted business in a permanent structure, within 300' shall be obtained for all Temporary uses.
   b. All Temporary uses except for roadside stands require a paved surface on site. Temporary road base installed in compliance with the City Standard Technical Specifications and Drawings shall qualify as a paved surface, shall be capable of supporting a minimum of 75,000 pounds on all driving and parking surfaces, and shall be removed immediately upon completion of the Temporary use unless occurring as part of a separate development permit.
   c. All Temporary uses except roadside stands are required to provide sanitary facilities for waste disposal for protection of community health and safety. This may be met through agreement with a host business or through temporary restroom facilities.
   d. All temporary uses shall provide a receptacle for garbage, and shall be responsible for garbage removal.
   e. Night lighting shall be compatible with adjacent uses. This requires all lighting to

be shielded and directed downward to avoid light spill onto adjacent properties.

f. All signs must comply with City adopted sign regulations.
g. A use and/or display may not be placed within the right-of-way or on any landscaped area.
h. No temporary use may occur within the clear view triangle of any intersection.
i. No more than one temporary use is allowed per lot or parcel at any one time, including those approved by the Planning Commission.
j. When electricity will be utilized, an electrical permit must be obtained from the Building Department prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
k. Accessibility requirements must be addressed with the Building Department prior to any sales occurring.
l. Where required, Health Department approval shall be provided prior to operation.
m. Where temporary structures are proposed, an inspection with the Fire Department is required prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
n. Hours of operation shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.
o. All temporary uses requesting temporary access from a public road shall obtain written permission from UDOT for state roads, and from the City Engineer for all other public roads.
    i. A traffic study and safety mitigation may be required, including appropriate acceleration and deceleration areas.
    ii. No curb or park strip shall be driven over unless temporary bridging is provided and approved by the City Engineer to prevent damage to the curb or park strip.

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

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

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

6. **Application for a Temporary Use Permit.** An application for a Temporary Use Permit shall be made to the Planning Department, in conjunction with a business license, at least 14 days prior to the date of requested use. No Temporary Use Permit shall be issued more than 90 days prior to the start of the Temporary Use period. The Planning Department may issue or deny the application for a Temporary Use Permit based on the criteria herein.

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

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

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

10. **Bond Required.** All temporary uses on shall post a $500 cash bond to ensure the clean-up of the property after the use is removed.
    a. Mobile food vendors may choose to post a bond on an annual basis rather than a per-permit basis to cover all days of operation within a specified time period.
    b. After the temporary use commences, the applicant may request an inspection by the City. Following this inspection, the bond shall be reduced by up to 50% upon finding that the use is in general compliance with the standards of this Code.

11. **Revocation of Temporary Use Permit.** A Temporary Use Permit may be revoked by the Planning Director in accordance with the provisions of this section if the recipient of the permit fails to develop or maintain the property in accordance with the plans submitted, the requirements of this section, or any additional requirements lawfully imposed in connection with the issuance of the Temporary Use permit.

(Ord. 16-17, Ord. 14-13, Ord. 14-4)

19.05.11. Accessory Buildings in Residential Development.

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

1. All accessory buildings shall meet the following standards:
    a. In all zones except for the A, RA-5, and RR zones, shall not be taller than any main structure or dwelling for buildings with a building permit, or fifteen feet for buildings not requiring a building permit;
    b. shall be of color and construction compatible with and similar to the primary structure; and
    c. shall be regularly maintained in a clean and well-kept manner; and
    d. shall not drain onto adjacent properties or onto public property; and
    e. shall not be located in a required clear view triangle as outlined in Section 19.06; and
    f. shall have a minimum twenty foot long driveway if housing a car, truck, RV, or other automobile.

2. Accessory buildings requiring a building permit according to the International Building Code:
    a. shall meet the accessory building setbacks identified in the applicable zone district, and
    b. shall not occupy more than 30% of any side or rear yard, subject to the lot coverage limitations of the applicable zone district.

3. Accessory buildings not requiring a building permit according to the International Building Code shall not be required to meet interior side yard and rear yard setbacks, and street-side yard setbacks for corner lots where the rear property line abuts the rear property line of the adjacent lot. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. If placed within a required setback, such buildings:
    a. are placed at the property owners' risk per Utah Code Chapter 54-3; and
    b. shall have a maximum height of ten feet, as measured from the finished grade of the surface directly beneath the building to the highest point of the building roof; and
    c. shall not have openings facing adjoining properties; and

d. shall have minimum one-hour fire rated construction for surfaces facing adjoining properties; and
e. shall not be used for the housing of animals or birds; and
f. if within the street side-yard setback, shall not have openings facing the street side property line.

19.05.12. Solar Panels.

1. Solar panels installed in residential zones shall meet the following standards:
    a. Roof mounted panels designed for residential use shall be used. No commercial grade panels may be installed on a roof.
    b. Ground-mounted panels shall:
        i. be located only in rear yards and interior side yards, and
        ii. comply with lot coverage limitations, and
        iii. not exceed fifteen feet in height as measured from established grade to the highest point of any panel or panel structure, and
        iv. be located behind an opaque fence or wall a minimum of six feet in height.
    c. Panels shall be designed to minimize reflection.
    d. Panels and panel systems that are designed to be tied into the utility grid shall be installed and connected by a licensed photovoltaic contractor, in compliance with the National Electrical Code.
2. Solar panels installed in non-residential zones shall meet the following standards:
    a. Ground-mounted panels shall:
        i. meet all building height, setbacks, and lot coverage limitations, and
        ii. not obstruct required landscaping.
    b. Panels shall be designed to minimize reflection.
    c. Panels and panel systems that are designed to be tied into the utility grid shall be installed and connected by a licensed photovoltaic contractor, in compliance with the National Electrical Code.

(Ord. 15-21)

19.05.13. Edge Uses.

1. Uses identified as Edge Uses shall meet the additional standards below.
    a. Reverse Frontage. Buildings shall be designed so that the main entrance is facing into the main development and not towards the adjacent arterial or collector street.
    b. Architecture. Building elevation facing the adjacent arterial or collector street shall be treated with architectural materials required for a front of the building.
    c. Parking. Parking shall be located behind the building as viewed from the adjacent arterial or collector road.
    d. Screening. Parking lots and large doors shall be screened from view from the adjacent arterial or collector road, behind a landscaped berm or screen wall with a minimum height of three feet.
    e. Edge uses shall be placed entirely within the area identified in the definition of Edge Use.

(Ord. 16-01, Ord. 14-23, Ord. 15-21)

19.05.14. Temporary Subdivision Sales Trailers.

1. One temporary sales trailer may be granted per preliminary or final plat so long as it complies with the standards in this Section. Failure to comply with any of the standards herein shall be considered justification for the revocation of the permit by City Staff. An applicant must receive a permit for a subdivision sales trailer from the Planning Director, who is designated as the land use authority, and a building permit from the Building Official. Any of the standards below do not replace or limit any building or fire codes adopted by the City. In the event of a conflict, the more restrictive standard shall apply. The following are the specific land use standards for a temporary subdivision sales trailer:
    a. The sales trailer must be located in a subdivision of not less than five acres in total acreage. The trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots.
    b. Sales trailers that are off-site from the project area are prohibited.
    c. Sales trailers are not permitted in subdivisions which also have an operational model home; sales trailers approved prior to a model home shall be removed within thirty days of a model home beginning operation.
    d. Sales trailers must be located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines.
    e. Water, power, and sewer services shall be available to service the sales trailer. Sales trailers that are accessible to the public or any employee must have bathroom facilities within the sales trailer.
    f. The sales trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official.
    g. The sales trailer must have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to permit issuance.
    h. At the time of permit issuance, a bond shall be posted in the amount of $3,000.00 to guarantee appropriate removal and clean-up of the site.
    i. No sales trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months.
        i. Within this twelve month period, sales trailers shall be removed within thirty days of the expiration of the occupancy permit, or after issuance of the final certificate of occupancy in the development, or after approved construction activity ceases, whichever is shorter.
        ii. 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.
    j. A signage plan shall be submitted with any application and must be in compliance with the City's ordinances governing signs.
    k. If construction does not begin within 180 days of issuance of the permit, the permit shall expire per the International Building Code.

(Ord. 15-29, Ord. 15-21)

19.05.15. Vehicle Sales.

1. Uses identified as any type of outdoor vehicle sales shall meet the additional standards below, as shown in Figures 5.1 and 5.2.
    a. Landscaped buffer. Parking and sales lots shall be separated from adjacent roadways by a minimum 30-foot wide landscaped buffer area, as measured from back of curb. The buffer area may include required setbacks, ROW, walkways, sidewalks, and park strips.
    b. Screening. Parking lots and large doors shall be placed behind a landscaped berm or screen wall with a minimum height of 3 feet installed in the landscaped buffer.
    c. Arterials. Along arterial roadways, parking and sales lots shall be set back a minimum of 90 feet from the Right of Way centerline.
    d. Vehicle Display Areas. Vehicles may be displayed in the landscaped buffer area, subject to the following restrictions:
        i. Display may only occur in areas outside the ROW, walkways, sidewalks, and park strips.
        ii. Display areas shall be designated through the site plan approval process.
        iii. Display areas shall be of concrete, asphalt, or other impervious surface.
        iv. Display areas shall be a minimum of ten feet inside the back of sidewalk.
        v. Display areas shall comply with clear view triangle setbacks.
        vi. Display areas shall not exceed 10% of the landscaped buffer area.
        vii. Vehicles in the display area shall not exceed a maximum height of ten feet, such height including both vehicle and display surface as measured from the height nearest sidewalk to the highest point of the vehicle.
        viii. For arterial roads, display areas shall also be set back a minimum of 90 feet from the centerline of the road.

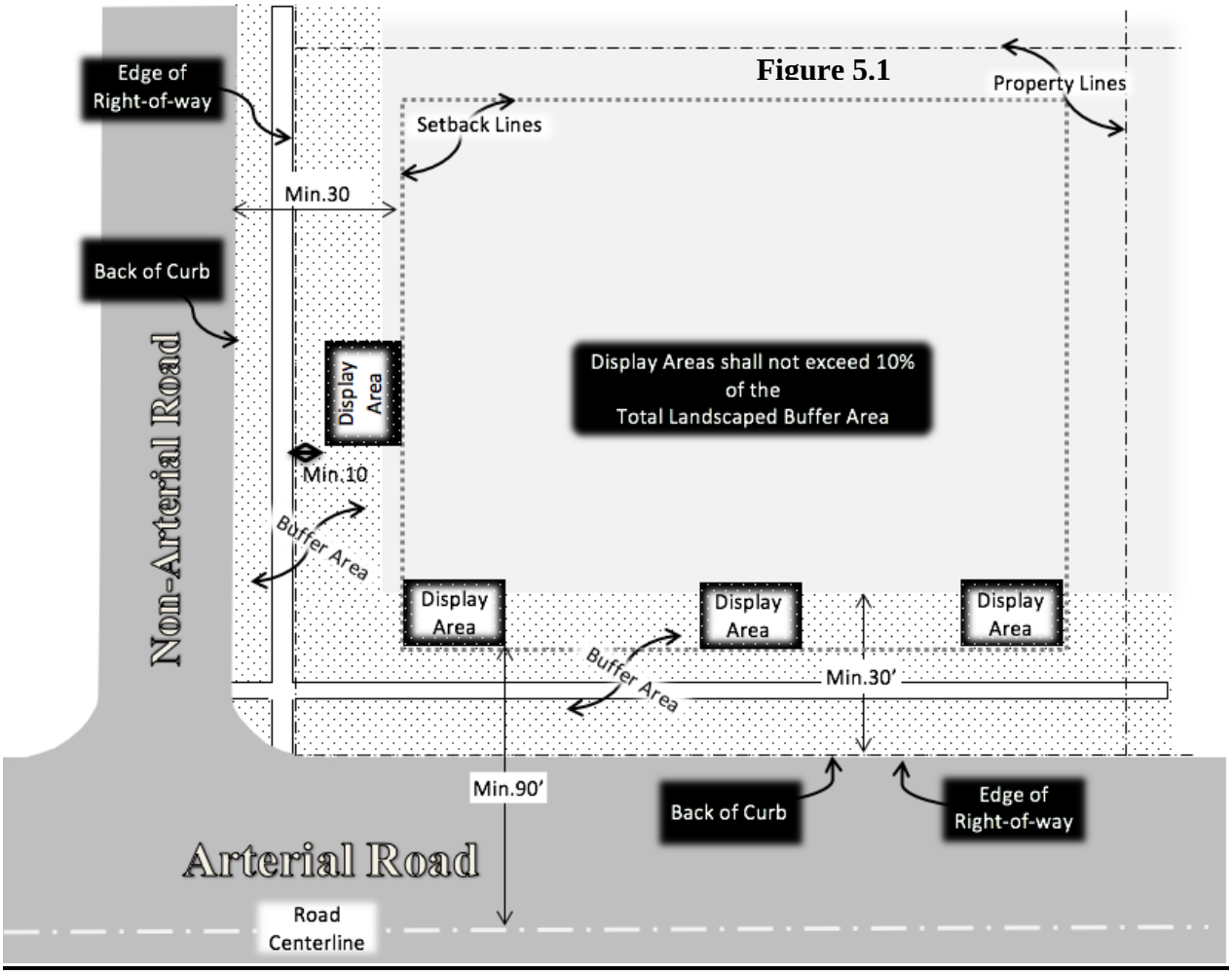

Edge of Right-of-way
Property Lines
Setback Lines
Min.30
Back of Curb
Non-Arterial Road
Display Area
Display Areas shall not exceed 10% of the Total Landscaped Buffer Area
Min.10
Buffer Area
Display Area
Display Area
Display Area
Buffer Area
Min.30'
Min.90'
Back of Curb
Edge of Right-of-way
Arterial Road
Road Centerline

Figure 5.1

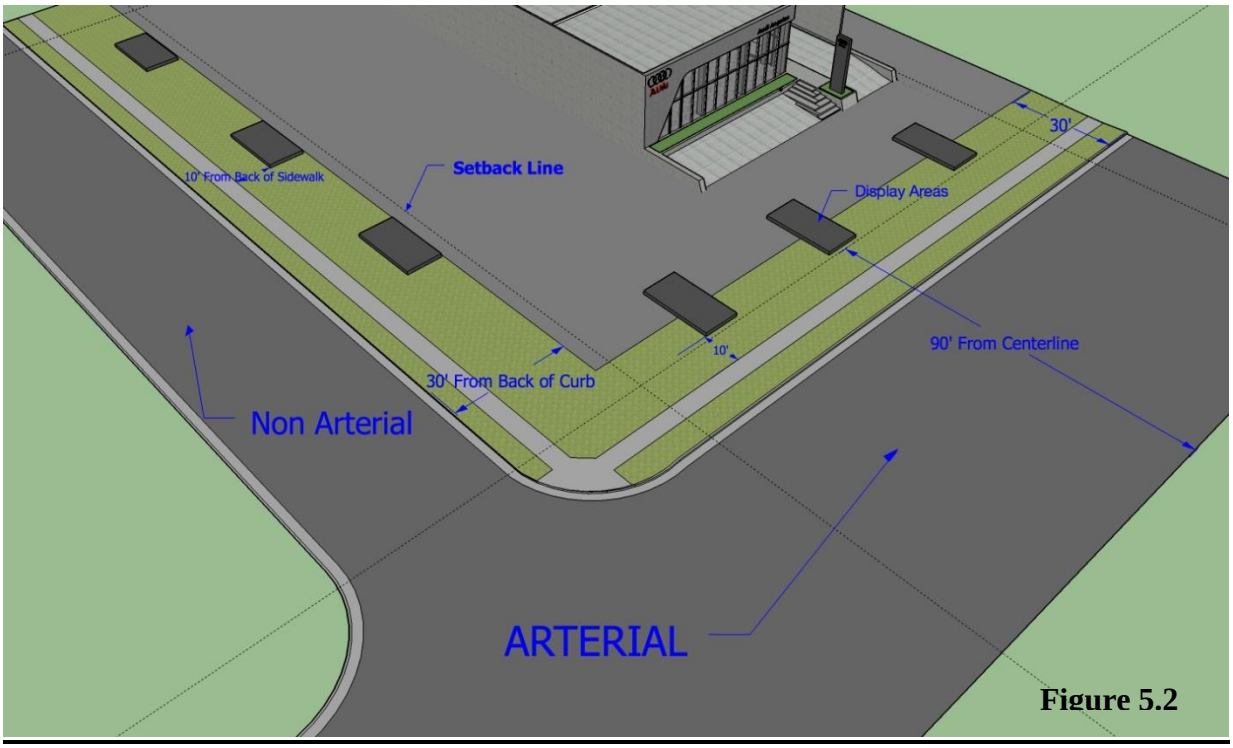


Figure 5.2

(Ord. 15-29)

Chapter 19.06. Landscaping and Fencing.

Sections:

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

19.06.01. Purpose.

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

19.06.02. Required Landscaping Improvements.

Landscape and fencing requirements of this Chapter shall apply to all new landscaped areas.

(Ord. 14-23)

19.06.03. General Provisions.

1. Park strips shall be landscaped and maintained by the property owner who abuts the park strip, unless otherwise noted on an approved and recorded subdivision plat or site plan.

2. Automated water-conserving irrigation systems, including water-conserving sprinkler heads and rain sensors, shall be required for all new landscaping in nonresidential developments as well as for all irrigated open spaces that are held in common or in Homeowner’s Association ownership in residential developments.

3. All landscaped areas shall be maintained by watering, weed removal, lawn mowing, or any other activity required to maintain healthy and well-manicured landscaping.

4. Trees which project over any sidewalk shall be pruned clear of all branches between ground and a height of eight feet for that portion of the plant located over the sidewalk.

5. Landscaping and fencing shall maintain a clear sight triangle as specified in Section 19.06.11.

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

(Ord. 14-23)

19.06.04. Landscaping Plan.

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

1. Existing conditions: the location and dimension of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting;

2. planting plan: location and planting details for all proposed vegetation and materials. The proposed plan must indicate the size of the plant material at maturation. All existing vegetation that is to be removed or remain on the site must be clearly identified;

3. the name (both botanical and common name), quantity, and size of all proposed plants;

4. topography: existing and proposed grading of the site indicating contours at two feet intervals;

5. irrigation: irrigation plans showing the system layout and details;

6. fencing: location, style, and details for proposed and existing fences and identification of the fencing materials; and

7. a data table: table including the total number of each plant type, and total square footage and percentage of landscaped areas, domestic turf grasses, decorative rock, mulch, bark, and drought tolerant plant species.

(Ord. 14-23)

19.06.05. Completion of Landscape Improvements; Adequate Assurances.

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

(Ord. 14-23)

19.06.06. Planting Standards and Design Requirements for Nonresidential and Common Open Space.

1. These planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter for nonresidential development, and open spaces that are held in common or in Homeowner's Association ownership in residential developments. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City.

2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured no less than 12 inches above the root ball:
    a. **Required Trees.** Required trees are subject to the following standards:
        i. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of two (2) inches in caliper.
        ii. **Evergreen Trees.** All evergreen trees shall have a minimum size of 6 feet in height.
        iii. **Tree base clearance.** An area at the base of the tree a minimum of three feet in diameter shall be kept free of rock and turf. In parking lot islands and other narrow strips of landscaping where strips of turf two feet or less in width would otherwise occur, this clear area may be reduced to two feet in diameter.
    b. **Shrubs.** At least 25% of the required shrubs shall be a minimum of 5 gallons in size at time of installation; all other required shrubs shall be a minimum of 1 gallon in size.
    c. **Turf.** No landscaping shall be composed of more than seventy percent turf.
    d. **Drought Tolerant Plants.** Fifty percent of all trees and shrubs shall be required to be drought tolerant species.
    e. **Rock:** rock may be utilized up to the maximum percentage specified in Section 19.06.07, subject to the following requirements:

i. a minimum of two separate colors, and a minimum of two different sizes shall be used;

f. rock shall provide contrasting color to pavement and other hard surfaces within the property, and all colors used shall be earth tones. **Planting and Shrub Beds.** Planting and shrub beds may be used to satisfy up to the percentage of the total required landscaping as specified in the Section 19.06.07. In addition to the required plants in the chart, planting and shrub beds must meet the following requirements:
    i. high-quality weed barrier is used;
    ii. high quality materials such as wood chips, wood mulch, ground cover, decorative rock, landscaping rocks, or similar materials are used, and materials must be heavy enough to not blow away in the wind;
    iii. edging is used to separate lawns from beds, and all areas except residential must use concrete edging for durability;
    iv. drip lines are used for irrigation.

g. **Artificial Turf.** Artificial turf is not permitted.

3. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:
    a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
    b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
    c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
    d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
    e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees.
    f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
    g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
    h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4”) in caliper, shall be identified on the landscape plan and preserved if possible. If a mature tree is preserved, an area around the roots as wide as the existing canopy shall not be disturbed.
        i. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed.

ii. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous.
iii. Deciduous trees smaller than four inches in caliper, or mature ornamental trees, that are removed shall be replaced on a one to one ratio.
iv. Replacement trees shall be in addition to the minimum tree requirements of this Chapter, and shall comply with minimum sizes as outlined in the Chapter.

i. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.

4. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
   a. the City Council gives its approval;
   b. the power company or owner of the power line gives written consent; and
   c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

5. Parking Lots.
   a. Parking areas have additional landscaping standards outlined in Chapter 19.09.

(Ord. 15-29, Ord. 14-23)

19.06.07. Amount of Required Landscaping.

1. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped per the definition of Landscaping in Section 19.02 in all land use zones.
2. Single-family residential lots shall be required to landscape per Section 19.06.08.
3. The Multi-family, improved open space, and nonresidential development in all Zones shall be required to adhere to the minimum landscaped standards contained in the table below.
4. The City Council shall have authority to adjust these standards as circumstances dictate.

Required Landscaped Area[1]	**Minimum Deciduous Trees[3]**	**Minimum Evergreen Trees[3]**	**Minimum Shrubs**	**Minimum Percentage of Required Turf**	**Percentage of Required Planting and Shrub Beds**
< than 1,000	1	1	7	0 % [2]	Up to 100%
1,001 - 3,000	3	1	10	0 % [2]	Up to 100%
3,001 - 5,000	5	2	13	0 % [2]	Up to 100%
5,001 - 7,000	5	3	14	35%	Not more than 65%
7,001 - 9,000	6	3	17	35%	Not more than 65%
9,001 - 11,000	6	4	19	35%	Not more than 65%
11,001 - 13,000	6	4	22	35%	Not more than 65%
13,001 - 15,000	7	5	25	35%	Not more than 65%
15,001>	7 + 1 per additional	5 + 1 per additional	25 + 1 per additional	25%	Not more than 75%

	3000 sq.ft.	3000 sq.ft.	3000 sq.ft.		

[1]*Areas are measured in square feet. Parking lot landscaping islands may have different standards and are found in Chapter 19.09.*

[2] *The City Council may require a certain percentage of turf on a case-by-case basis.*

[3] *This number shall be increased per the requirements of Section 19.06.06 above.*

(Ord. 15-29, Ord. 14-23, Ord. 14-1)

19.06.08. Single Family Residential and Park Strip Landscaping Requirements.

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

e. At least 25% of landscaping in front yards and corner street side yards shall consist of non-rock planter beds, shrubs and grasses, or other non-hardscape and non-rock landscaping.
f. Artificial turf is not permitted in front or corner street side yards.

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

(Ord. 16-17, Ord. 16-10, Ord. 15-29, Ord. 14-23)

19.06.09. Screening and Fencing Requirements and Restrictions.

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

1. **Front yards:** fences exceeding three feet in height shall not be erected in any front yard space of any residential lot.
2. **Street side yards:** fencing in street side yards adjacent to a driveway shall not exceed three feet for a distance of fifteen feet back from the intersection of driveway and sidewalk, or driveway and property line where no sidewalk exists as shown in the drawing below. Fencing shall also comply with all other clear sight triangle requirements as stated in 19.06. See Figures 6.1 and 6.2 below:

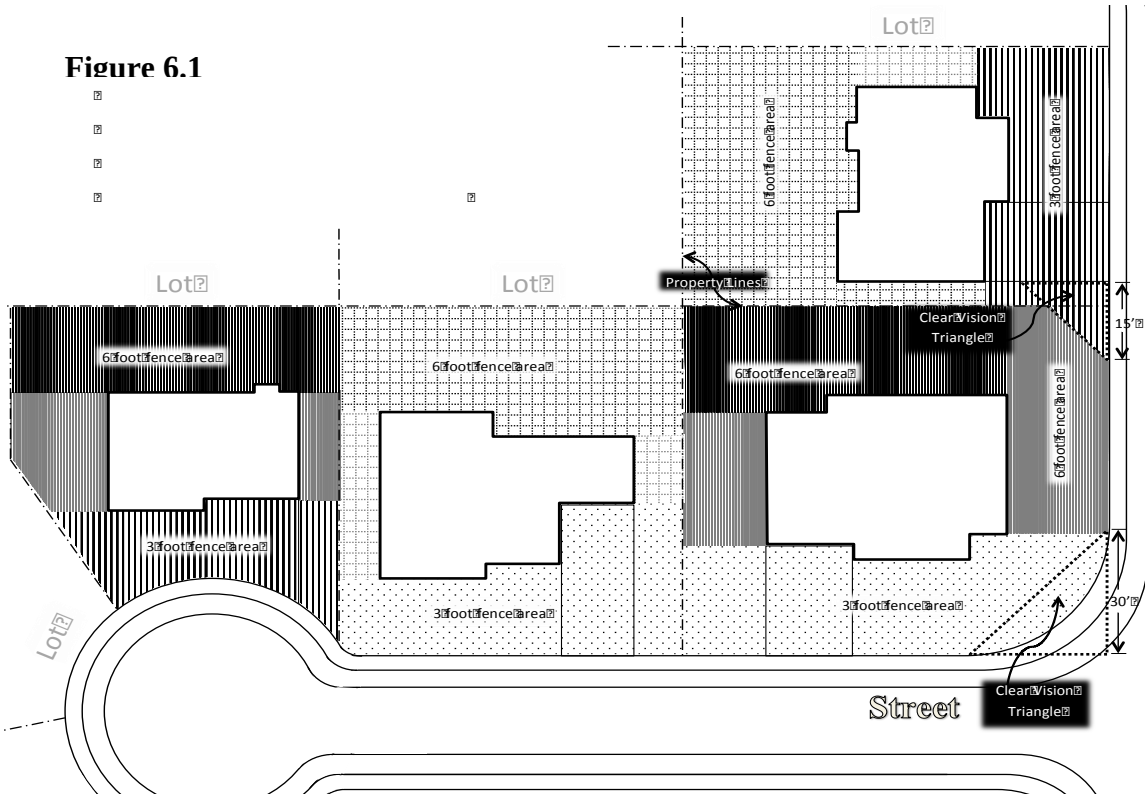


Figure 6.1

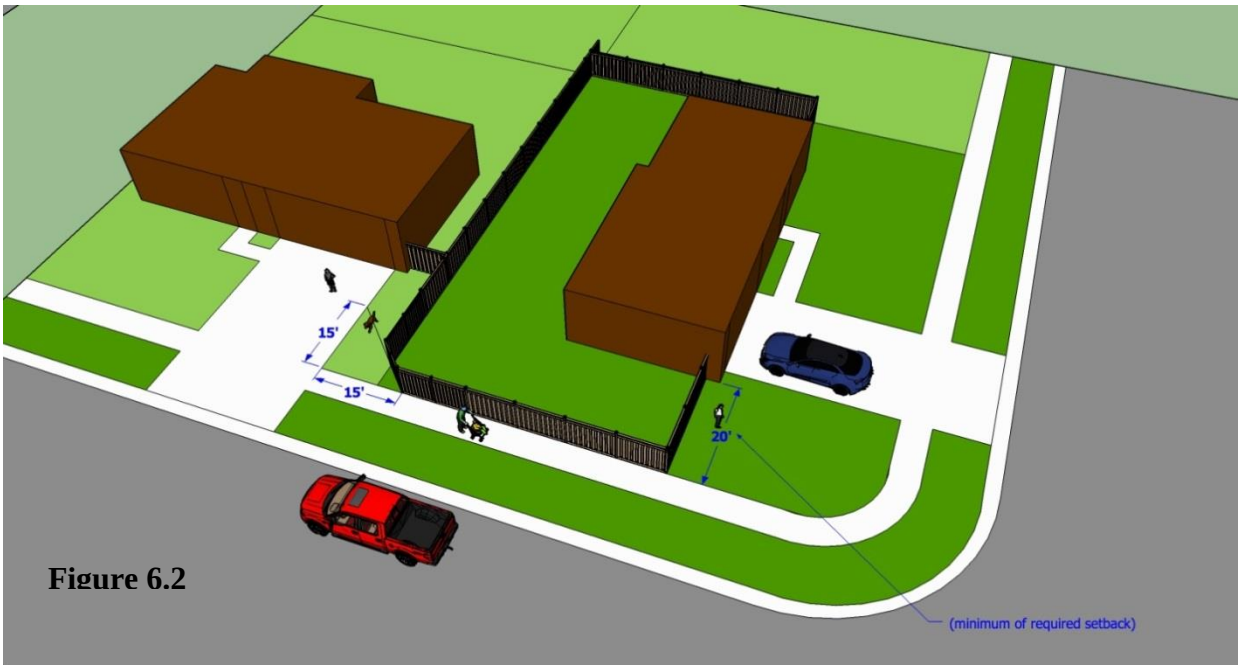


Figure 6.2

4. **Prohibited fencing:**
    a. No barbed wire, chain link, razor, or wire (agricultural, electric, chicken wire, mesh wire, hog fencing, etc.) fences shall be allowed. This does not apply to chain link or wire fences if the fence: (1) is not being used to delineate lot boundaries;

and (2) is being used for Agricultural uses or otherwise for the keeping of animals; and (3) does not occupy more than 50% of any residential yard.

b. No fencing that parallels existing fencing shall be permitted within an existing fenced yard. Exceptions: interior fencing to enclose chickens, bees, or other livestock as otherwise specifically permitted under this Code, and any fencing of three feet or less in height within an existing fenced yard.

5. **Double frontages:** where lots have frontages onto more than one street, that area designated by the property owner as the rear yard may have a solid or view obstructing fence, wall, or hedge not exceeding six feet in height. Where the double frontage lot is also a corner lot (three frontages), clear sight across corner property shall be required and enforced. See Section 19.06.11, Clear Sight Triangles.

6. **Non-residential and Multi-family:** fencing and other screening materials for multi-family, residential, commercial, or industrial projects must receive approval by the City Council through the Site Plan review process. See Chapter 19.13 for Site Plan review requirements. In addition, the following criteria shall be applied:
    a. compatibility with fences of surrounding uses;
    b. quality of proposed materials;
    c. aesthetics of proposed materials;
    d. requirements of applicable development agreements;
    e. intensity of existing surrounding uses; and
    f. applicable conditions of approval.

7. **Required residential fencing:** fencing in residential development shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties.
    a. In an effort to promote safety for citizens and security for homeowners, fences along open space, parks, trails, and easement corridors shall be semi-private. Exception: privacy fencing is permitted for property lines abutting trail corridors that are not City maintained and are both adjacent to and visible from an arterial.
    b. Fencing along arterial roads shall be of a consistent material and color within each development.
    c. Fencing along open space, parks, trails, and easement corridors may be less than six feet in height but shall not be less than three feet in height, at the discretion of the property owner or HOA as applicable.

(Ord 16-20, Ord 16-17, Ord. 15-29, Ord. 14-23)

19.06.10. Screening at Boundaries of Residential Zones.

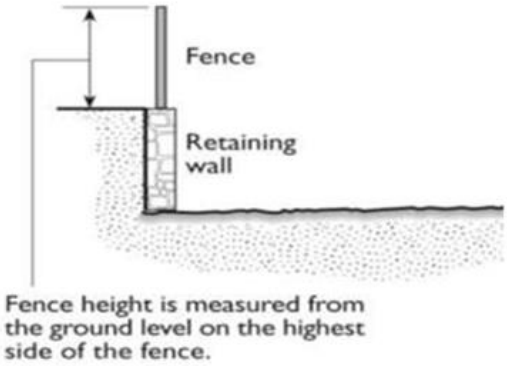
This Section outlines provisions that shall govern the heights of screening and fencing for commercial, mixed use, and industrial developments that abut residential zones.

1. For commercial, mixed use, and industrial developments abutting residential zones an opaque fence or wall shall be installed and maintained along lot lines.

2. For residential developments abutting active agricultural property or operations, a solid fence or wall shall be installed and maintained along the abutting property line.

3. The opaque fence shall be a minimum of six feet in height but not more than eight feet. A lower height fence may be required adjacent to a front property line for sight distance and traffic safety (see Section 19.06.08). Walls above six feet shall first be reviewed and approved by the City Council during site plan review. In determining the specific height of the fence, the following criteria shall be applied:
    a. compatibility with fences or walls of surrounding uses;
    b. aesthetics of proposed materials;
    c. requirements of applicable development agreements;
    d. intensity of existing surrounding uses; and
    e. applicable conditions of approval

4. Where there is a difference in elevation on opposite sides of the fence, the height of the required fence shall be measured from the highest elevation:



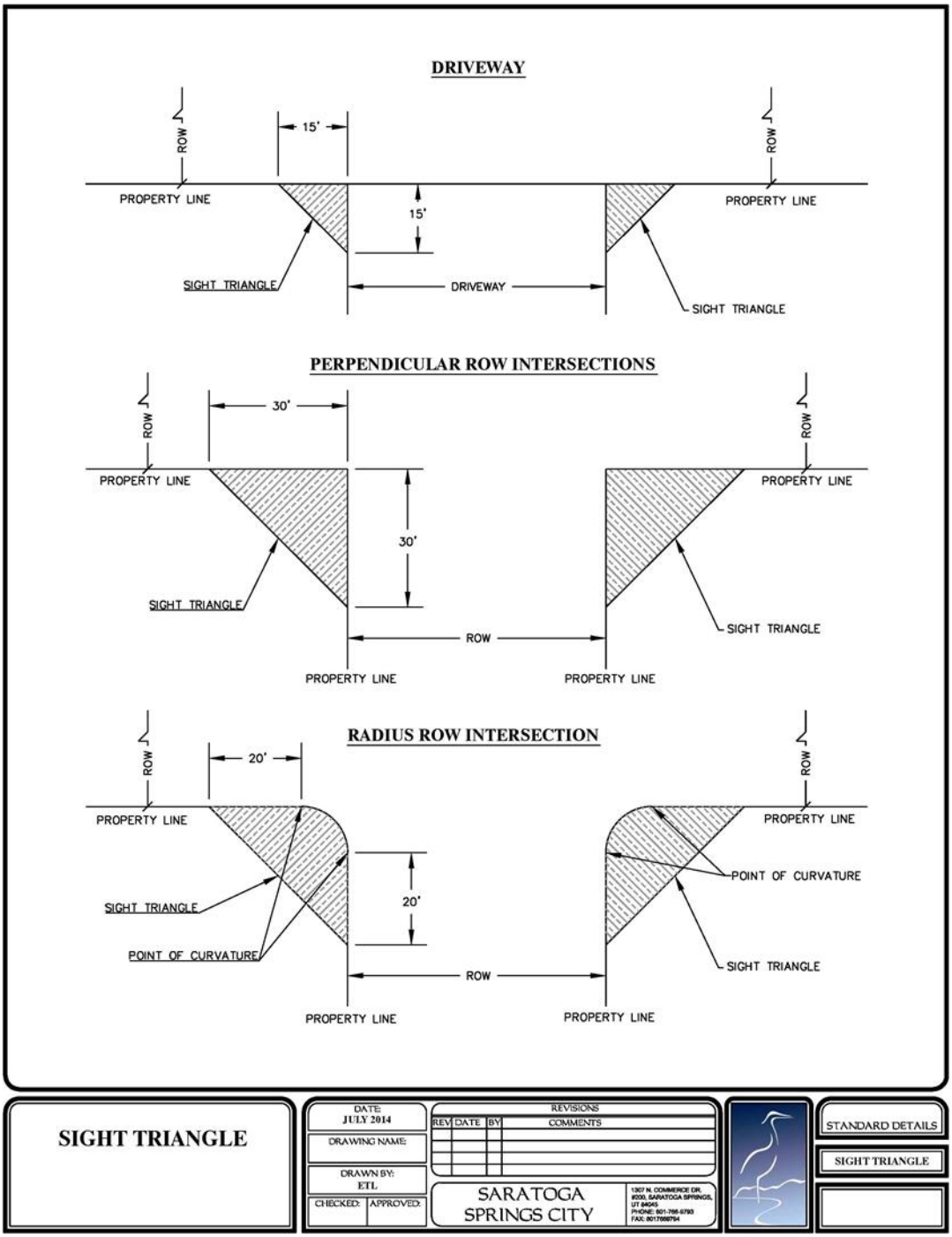
(Ord. 14-23)

19.06.11. Clear Sight Triangle.

A. To allow for clear sight as shown in the graphic below, at all intersections of streets, driveways, or sidewalks, for a distance of twenty feet back from the point of curvature of curved ROWs and property lines or thirty feet back from the intersection of straight ROWs and property lines, whichever is greater, and fifteen feet back from edge of driveways:
    a. all landscaping, and fencing shall be limited to a height of not more than three feet, and
    b. the grade at such intersections shall not be bermed or raised.
B. Exceptions:
    a. Deciduous tree canopies may be located in the clear sight triangle of privately maintained intersections only if at maturity, as defined in Section 19.06.06, the distance between the ground and base of the canopy is maintained at no less than eight feet, and any portion of the tree trunk at maturity that enters the clear sight triangle is no greater than twelve inches, and

b. any other exception outlined in the Code.

Clear Sight Triangle:



(Ord. 16-20, Ord. 15-29, Ord. 14-23)

Chapter 19.07. Planned Unit Development (PUD).

Sections:

19.07.01. Purpose.
19.07.02. PUD Definition and Design Compatibility.
19.07.03. General PUD Standards.
19.07.04. Underlying Zones.
19.07.05. Permitted and Conditional Uses.
19.07.06. Application of PUD Overlay Zone Provisions to Underlying Zone Provisions.
19.07.07. Variations from Development Standards.
19.07.08. Streets and Circulation.
19.07.09. PUD Plan Approval.
19.07.10. Phased Developments.
19.07.11. Expiration of Approval.

19.07.01. Purpose.

1. **In General.**
    a. The purpose of the Planned Unit Development ("PUD") Overlay zone is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of structures on the land, the consolidation of open spaces, and the clustering of dwellings.
    b. These provisions are intended to create more attractive and more desirable environments within residential and mixed use areas.
    c. A PUD development is intended to allow for diversification in the relationship of various uses and structures to their sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects within the City of Saratoga Springs.

2. **Discontinuation of PUDs.**
    a. Effective July 18, 2013, it is the intent of the City Council to discontinue the granting of Planned Unit Developments or the Planned Unit Development Overlay Zone.
    b. This Chapter shall remain a part of the Land Development Code solely for the purpose of governing properties that have vested rights to develop as PUDs in the PUD Overlay Zone. Such vested properties shall only include:
        i. (a) properties granted PUD status in a development agreement that has not expired;
        ii. (b) properties with a recorded plat; and
        iii. (c) properties developed as a PUD.
    c. City Staff is directed to remove the PUD Overlay Zone, in accordance with state law, from the official Zoning Map except for those properties listed as vested. Also, if a development agreement expires and the property owner has not

recorded a plat on all or a portion of his or her property, the City Council will rezone the property to remove the PUD Overlay Zone.

19.07.02. PUD Definition and Design Compatibility.

1. **Definition.** A PUD is a master planned, architecturally-designed development for which the regulations of the underlying zone, in which the development is situated, may be modified to allow flexibility and initiation in site and structure design and location. A PUD may only be developed if the property has already been vested in accordance with 19.07.01 above.

2. **Design Standards.** A PUD development shall be planned with a common architectural design theme that provides variety with architectural compatibility, rather than an aggregation of individual, unrelated structures located on separate, unrelated lots. Mixed uses (multi-family and single family) are encouraged and allowed and shall still provide integrated architectural designs and styles

19.07.03. General PUD Standards.

1. Substantial compliance with the overlay zone regulations and other provisions of this Chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantage of large scale Site Planning for residential and related purposes.

2. Even if property has already been vested with a PUD overlay rezone as provided in 19.07.01 above, submitting an application for PUD approval does not guarantee the property owner the right to exercise the provisions of this Chapter. PUDs shall be recommended for approval by the City Council only if, in their judgment, the proposed PUD fully meets the intent, purposes, and requirements of the Land Development Code.

19.07.04. Underlying zones.

1. The PUD Overlay Zone provides an additional layer of land use provisions in addition to those in the underlying zone. In the event of a conflict with the provisions of the underlying zone or other chapters or sections of this Title, the provisions of this Chapter shall take precedence regardless of which provision is more restrictive.

2. The PUD provisions shall be used in combination with existing conventional zones as designated in the City Code. The PUD Overlay Zone is not an independent zone exclusive of the underlying zone. The underlying zone provisions shall apply except when in conflict with this Chapter. Property which is vested with a PUD Overlay Zone shall be developed only in conformance with an approved PUD plan.

19.07.05. Permitted and Conditional Uses.

1. Uses permitted in PUD project areas shall be limited to those listed as permitted uses in the provisions of the underlying zone with which the PUD zone has been combined, except that single family and multi-family residential developments are permitted.

2. Permitted uses in a PUD shall also include private recreational facilities for the exclusive use of the occupants of the PUD and their guests, when approved as part of the final PUD plan.

19.07.06. Application of PUD Overlay Zone Provisions to Underlying Zone Provisions.

1. In a vested PUD Overlay Zone, variations from the development standards of the underlying zone may be permitted by the City Council provided the variations meet the requirements of this Chapter and are specifically adopted by the City Council as part of the approved PUD plans. Variations, however, shall not include changes in the uses allowed by the zone with which the PUD has been combined.

2. The City Council may, in the process of approving preliminary or final PUD plans, approve variations from the minimum standards of the underlying zone, including minimum densities, lot sizes, setbacks, and open space requirements where there is sufficient evidence that the variations will not adversely affect neighboring property and where the standards of this Chapter are met.

3. Variations to the underlying zone requirements may not be greater than 25% except for density bonuses, which are established in each zone under Chapter 19.04. For instance, a required 20 foot front setback may not be reduced to less than 15 feet.

4. Setbacks.
    a. Subject to 19.07.06(3), variations of setbacks from the underlying zone regulations shall be compensated by providing additional open space in other appropriate areas of the development, shall be in keeping with accepted land use planning principles, and shall only be approved as part of a PUD application duly approved by the City Council.

    b. Notwithstanding Subsection (a), no structure within a PUD may be closer than twenty feet to the peripheral property line of the entire development. The area within the twenty feet may be used as a buffer strip to be counted toward base open space requirements so long as it meets the definition of open space in Chapter 19.02 and the requirements for "base open space" in Subsection 19.07.07(7) below. If such buffer strip does not meet the definition of "base open space," then it may be counted towards a density bonus so long as it meets the requirements of this Chapter and is granted in the discretion of the City Council.

5. Base Density. The base density of a PUD shall be based on the density of the underlying zone. If the PUD is located in more than one residential zone, the total number of dwellings for the PUD is calculated by adding up the number of dwellings allowed by each zone, with the applicable density bonus. However, the dwellings in such projects may be placed without regard to zone boundaries.

6. When topography would dictate a lower density than the base residential density of the underlying zone, a density analysis, specific to the site, shall determine the base density for the PUD.

7. Density Bonus and Incentives. The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The maximum density bonus allowed is established with each zone. The City Council may determine the density bonus, up to the maximum allowed, upon its acceptance of the design options, as set forth in the following two tables:

Table 1 – Single and Family Residential Projects

Density Bonus	Required Design Option
Up to 20%	Creation of significant recreation or site amenities, e.g., pool, playground, club house, picnic areas, water features, etc.
Up to 5%	Additional pedestrian, bicycle, or other recreational trails that are separated from vehicular traffic, both within and outside the project.
Up to 5%	The provision of providing exterior fencing including architecturally designed wrought iron fences, vinyl, structural wood fences, or masonry fences, or, additional landscape buffers with the enhanced width and landscaping specifications.

Table 2 – Multi-family Residential and Mixed Use Projects

Density Bonus	Required Design Option
Up to 10%	Creation of significant recreation or site amenities, e.g., pool, playground, club house, picnic areas, water features, etc.
Up to 5%	Additional pedestrian, bicycle, or other recreational trails which are separated from vehicular traffic, both within and outside the project.
Up to 10%	Providing additional landscape buffers with the enhanced width and landscaping specifications.

7. Open Space. PUDs shall provide contiguous open space for use-in-common of residents and occupants of such development and members of the public ("base open space"). Said base open space shall be consistent with the definition of open space as found in Chapter 19.02 of this code and shall comprise, at a minimum, thirty percent of the project area. The required base open space shall not include areas that are occupied by structures, parking areas, or streets, nor shall it include areas that are separated by such areas. Credit towards meeting minimum open space requirements may be given for sensitive lands as defined in Chapter

19.02. However, no more than fifty percent of the required base open space area shall be comprised of sensitive lands.

a. The required base open space areas shall be contiguous, not a collection of remnants. Such areas shall include:
    i. areas with natural features worthy of preservation, which may not be buildable, such as canyons or slopes, ridge lines, wetlands, stream or creek corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas. This may be included in the peripheral buffer strip; and
    ii. significant agricultural lands worthy of preservation for continued agricultural use.
b. No structure within a PUD may be closer than twenty feet to the peripheral property line of the development. The area within the twenty feet may be used as a buffer strip to be counted toward open space requirements, or in private lots.
c. The base open space requirement may be reduced to a minimum of twenty-five percent at the discretion of the City Council if it is determined that reducing the base open space requirement:
    i. will result in a more attractive development;
    ii. will allow for larger or better designed lots or multi-family developments;
    iii. will result in more or better open space facilities and amenities; or
    iv. will better utilize the property covered by the PUD. The basis or criteria to reduce open space may not also be used to justify a density bonus.
d. The following criteria shall be considered when granting a density bonus for additional open space:
    i. whether the open space is held in common via public ownership or by a homeowner’s association with a permanent open space easement;
    ii. whether the open space is large enough for the use of all residents of the project or the general public. Such spaces shall include improvements such as playgrounds, pathways, pavilions, play courts, ball fields, or informal spaces which encourage the use and enjoyment of the open space. Such areas may include lands, which are buildable, such as prominent ridgelines, views and vistas, and areas of significant native vegetation; or
    iii. whether the open space improves or makes more accessible agricultural lands such as equestrian facilities, stables, etc. for the use of area residents.
e. The City Council shall require the preservation, maintenance, and ownership of all open space 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 open spaces to guarantee that the open space remains perpetually in public use, with ownership and maintenance being the responsibility of a homeowner's association; or
    iv. through compliance with the provisions of the Condominium Ownership Act as outlined in Title 57 of the Utah Code, which provides for the payment of common expenses for the upkeep of common areas and facilities.

f. In the event the common open space and other facilities are not maintained under Subsection e. in a manner consistent with the approved final PUD plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.
g. Any changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provision or type of open space must be submitted for review and approval by the City Council.

19.07.07. Variations from Development Standards.

Subject to 19.07.06(3), the City Council may, in the process of approving preliminary or final PUD plans, approve variations from applicable development standards in the underlying zone only if it finds that all of the following conditions are met:

1. that the granting of the variation will not adversely affect the rights of adjacent landowners or residents;

2. that the variation desired will not adversely affect the public health, safety, or general welfare; and

3. that the granting of the variation will not be opposed to the general spirit and intent of this Chapter or the Land Use Element of the General Plan.

19.07.08. Streets and Circulation.

1. The design of public and private streets, including sidewalks and all appurtenances, within a PUD shall follow City ordinances, policies, and standards.

2. All private streets within a PUD shall be dedicated as public utility easements and all underground improvements shall be constructed per the City of Saratoga Springs ordinances, policies, and standards.

3. Points of primary vehicular access to a PUD shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Points of intersection between internal and external circulation systems shall be so arranged that both systems function in a safe and efficient manner.

4. The required off-street parking shall be distributed throughout the PUD and provide reasonable access to all residential structures within the project.

19.07.09. PUD Plan Approval.

PUD is reviewed in a three-step process: 1) concept plan review, 2) preliminary plat review, and 3) final plat review.

1. **Concept Plan Review.**
    a. Concept PUD plan review examines the PUD Concept Plan with respect to such

items as density, including: the number, type, and location of dwellings; parking and circulation; adequacy of services; and the impact of the proposed PUD on surrounding areas.

b. A concept PUD plan shall be submitted to, and reviewed by, the Development Review Committee, the Planning Commission, and City Council. The City Council shall review the conceptual PUD plan request and forward their comments, if any, to the applicant. The City Council shall not take any action on the Concept Plan review. The Council's comments shall not be binding, but shall only be used for information in the preparation of the preliminary PUD plat application.

c. The Concept Plan shall also comply with the submittal requirements contained in Chapter 19.13.

2. **Preliminary PUD Plat Review.**

a. Subsequent to the Conceptual plan review by the DRC, Planning Commission, and City Council, an application for Preliminary PUD Plat review shall be prepared. The submittal requirements for a Preliminary Plat review are contained in Chapter 19.12.03. In addition, the following items shall be submitted with the Preliminary plat:

i. a plan document that contains written descriptions of how the proposed project complies with the provisions of this Chapter, including a description of the terms of the proposed project relating to densities, density bonuses, clustering, preservation of open space, etc.; and

ii. architectural plans that demonstrate continuity and uniform architectural themes, features and styles for all structures within the project, including types of materials to be used.

b. All building elevation plans shall be reviewed by the Development Review Committee ("DRC") prior to review by the Planning Commission. The DRC shall review architectural styles, themes, and materials and shall make a recommendation to the Planning Commission regarding architectural styles, themes, and materials.

c. The Preliminary PUD Plat submittal, when complete, will be forwarded to the Planning Commission for a public hearing (following the process outlined in Chapter 19.13) and recommendation. The Planning Commission will either recommend approval, approval with conditions, or denial of the application to the City Council. The Planning Commission may also table the application if it finds that the application materials are incomplete or request more information or clarification from the applicant, the Development Review Committee, or City Attorney regarding the proposed project.

d. Following the Planning Commission's action, the application shall be forwarded to the City Council for action. The City Council shall approve, approve with conditions, or deny the application. The City Council may also table action on the application if it finds that the application materials are incomplete or request more information or clarification relative to any portion of the application.

3. **Final PUD Plat Review.**

a. Final PUD Plat applications may be prepared in compliance with the action of the City Council on any preliminary plat application. In preparing applications,

applicants shall comply with the submittal requirements of Chapter 19.12.03. In addition, applicants shall meet any conditions set forth in the preliminary approval.

b. When complete, final plats shall be reviewed by the City Council for compliance with the terms and conditions, if any, of the preliminary plat approval.
c. The City Council shall approve, approve with conditions, or deny the application. The City Council may also table action on the application if it finds that the application materials are incomplete or request more information or clarification relative to any portion of the application.

19.07.10. Phased Developments.

If the construction of various portions of the final development plan 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 Phasing Plan, including size and order of each phase, funding mechanism, and responsible parties, shall be approved by the City Council. Separate phases may exceed the overall density of the zone only if the approved overall plan does not exceed the maximum allowable density of the zone. Each phasing plan shall have the written approval of all property owners.

19.07.11. Expiration of Approval.

Failure to submit a final plat application within two years of the approval of the preliminary plat approval shall render the preliminary plat null and void.

(Ord. 16-01)

Chapter 19.08. Home Occupations.

Sections:

19.08.01. Purpose.
19.08.02. Categories
19.08.03. Performance Standards.
19.08.04. Approval Process.
19.08.05. Noncompliance.

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in dwellings only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

1. Class 1: A low impact Home Occupation that:
    a. does not receive more than two patrons, customers, clients, deliveries, or students, on any given day and
    b. does not increase odors or noise, and
    c. does not have any on-premise employees that are not members of the resident family or household.

2. Class 2: A Home Occupation that:
    a. receives between three and eight total patrons, customers, clients, deliveries, or students at any given time, up to a maximum of 16 total patrons, customers, clients, deliveries, or students in any given day, or
    b. has up to two on-premise employees that are not members of the resident family or household, or
    c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.

3. Class 3: All other Home Occupations.

19.08.03. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the

terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. **Dwelling Type**.
    a. Class 1 Home Occupations are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.
    b. Class 2 and 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.

2. **Floor Area.** A Home Occupation shall not occupy or use more than 40% of the finished square footage of the dwelling at any given time.

3. **Prohibited Uses.** Restaurants, or any uses in Section 19.04. that are permitted or conditional uses solely in the Office Warehouse and/or Industrial Zones, are prohibited as Home Occupations.

4. **Building and Fire Codes.** A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

5. **Employees.** Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

6. **Parking.** Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.

7. **Outdoor Storage.** Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

8. **Outdoor Activity.** Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

9. **Signs.** A Home Occupation may display a sign not exceeding the size permitted for permanent signage in Section 19.18. The design and placement of a proposed sign must receive approval per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

10. **Hours of Operation.** Class 2 and 3 Home Occupations shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m..

11. **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.

12. **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.

13. **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.

14. **Capacity.**
    a. Class 2 Home Occupations shall not exceed eight patrons, customers, clients, deliveries, or students at any one time, and shall not exceed 16 patrons, customers, clients, deliveries, or students in one day.
    b. Class 3 Home Occupations shall not exceed ten patrons, customers, clients, deliveries, or students at any one time, and shall not exceed 40 patrons, customers, clients, deliveries, or students in one day.

15. **Traffic and Utilities Use.**
    a. Class 1 Home Occupations shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses.
    b. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.

16. **Business License.** A business license is required for all Home Occupations as allowable per State Code.

17. **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

19.08.04. Approval Process.

1. Class 1 applicants are not required to obtain a Home Occupation Permit.

2. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.

3. Decisions regarding Class 2 Home Occupations are made by the Planning Director.
    a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning

Director may approve the application, approve the application with conditions, or deny the application.

4. Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process.
    a. The Planning Commission shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.05. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

(Ord. 16-07)

Chapter 19.09. Off-Street Parking Requirements.

Sections:

19.09.01. Purpose.
19.09.02. Required Parking.
19.09.03. General Provisions.
19.09.04. Submittal and Approval of Parking Areas.
19.09.05. Parking Requirements.
19.09.06. Dimensions for Parking Stalls.
19.09.07. Accessible Parking.
19.09.08. Landscaping in Parking Areas.
19.09.09. Pedestrian Walkways and Accesses.
19.09.10. Shared Parking and Curb Cuts.
19.09.11. Required Parking.

19.09.01. Purpose.

The purpose of this Chapter is to reduce congestion and traffic hazards on public rights-of-way by requiring adequate, functional, and effective use of off-street parking areas. This chapter also establishes minimum landscaping requirements in order to: reduce adverse impacts of headlight glare and lighting within the parking area; improve circulation within parking areas by channeling vehicles and pedestrians; provide climatic relief from broad expanses of pavement; and improve the appearance of the site and surrounding neighborhood.

19.09.02. Required Parking.

Off-street parking shall be provided according to standards noted in this Chapter for all newly constructed buildings, and additional parking shall be provided for any structure or use that is legally expanded.

19.09.03. General Provisions.

1. Materials for Parking Areas. Parking areas shall consist of concrete, asphalt, or other impervious materials approved in the City's adopted construction standards.

2. Maintenance of Parking Areas. Pavement, striping, landscaping, and lighting are required to be maintained in all parking areas. During times of snowfall, parking areas shall be cleared of snow as soon as practical.

3. Parking Area Access. Parking areas for one or more structures may have a common access so long as the requirements of all City ordinances, regulations, and standards are met. The determination of the locations for a common access shall be based upon the geometry, road alignment, and traffic volumes of the accessed road. All structures other than residential are required to provide parking areas where automobiles will not back across a sidewalk to gain access onto a public street.

4. Lighting in Parking Areas. Parking areas shall have adequate lighting to ensure the safe circulation of automobiles and pedestrians. Lighting shall be shielded and directed downward to prevent nuisances to adjacent properties or uses.

5. Location of Parking Areas. Required off-street parking areas for non-residential uses shall be placed within 600 feet of the main entrance to the building. Unenclosed parking for residential areas shall not be provided in rear yards, unless said yard abuts an alley-type access or is fenced with privacy fencing.

6. Storm Water Runoff. All parking areas other than single-family dwellings shall be reviewed and approved by the City Engineer for adequate drainage of storm water runoff.

(Ord. 14-13)

19.09.04. Submittal and Approval of Parking Areas.

1. Plans depicting the parking areas for newly constructed buildings and expanded structures or uses shall be submitted:
    a. in conjunction with a Site Plan for all non-residential and multi-family residential developments; or
    b. in conjunction with a preliminary plat application for residential and multi-family residential developments, or
    c. in conjunction with a building permit application for all single-family homes.

2. Parking plans shall show the following: the required number of stalls and aisles scaled to the correct dimensions; the correct number of handicapped accessible parking spaces; storm water drainage capabilities; lighting; landscaping and irrigation; and pedestrian walkways.

(Ord. 14-13)

19.09.05. Parking Requirements.

This Section describes criteria to be used in assessing required parking. The following criteria shall be used in conjunction with the table found in Section 19.09.11, Required Parking by Zone, when determining required parking for any project:

1. Available on-street parking shall not be counted towards meeting the required parking stalls.

2. When a parking requirement is based upon square footage, the assessed parking shall be based upon gross square footage of the building or use unless otherwise specified in the requirement.

3. When parking requirements are based upon the number of employees, parking calculations shall use the largest number of employees who work at any one shift. Where shift changes may cause substantial overcrowding of parking facilities, additional stalls may be required.

4. When a development contains multiple uses, more than one parking requirement may be applied.

5. Tandem parking spaces will not be counted as parking spaces for non-residential uses except for stacking spaces where identified.

6. Any fraction obtained when calculating the parking requirement shall be rounded up to the next whole number to determine the required number of parking stalls.

7. Where no comparative land use standard for parking is found in Section 19.09.11, Required Parking by Zone, the City Development Review Committee, Planning Commission, or City Council shall determine an appropriate requirement using the following criteria:
    a. the intensity of the proposed use;
    b. times of operation and use;
    c. whether the hours or days of operation are staggered thereby reducing the need for the full amount of required parking;
    d. whether there is shared parking agreement in accordance with Section 19.09.10 below—if there is a shared parking agreement, a reduction may not be granted;
    e. the number of employees;
    f. the number of customers and patrons;
    g. trip generation; and
    h. peak demands.

8. Any information provided by the developer relative to trip generation, hours of operation, shared parking, peak demands, or other information relative to parking shall be considered when evaluating parking needs.

9. Parking requirements may deviate from the standards contained in Section 19.09.11, Required Parking by Zone, when the City Council determines that the deviation meets the intent of this Chapter. Reductions may not exceed 25% of the parking requirements and shall be based on the following criteria:
    a. the intensity of the proposed use;
    b. times of operation and use;
    c. whether the hours or days of operation are staggered thereby reducing the need for the full amount of required parking;
    d. whether there is shared parking agreement in accordance with Section 19.09.10 below;
    e. trip generation; and
    f. peak demands.

(Ord. 15-13)

19.09.06. Dimensions for Parking Stalls.

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

Dimensions for Parking Stalls and Aisle

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

(Ord. 16-17, Ord. 14-13)

19.09.07. Accessible Parking.

Accessible parking spaces shall be provided in off-street parking areas and shall count towards fulfilling the minimum requirements for automobile parking. The City of Saratoga Springs hereby adopts by this reference the American National Standards Institute (“ANSI”) A117.1, as currently amended, and the International Building Code (“IBC”), as currently amended, as the City’s regulations pertaining to accessible parking. Every development, use, permit, application, plan, and drawing shall comply with the ANSI A117.1 and IBC regulations with regard to location, number, size, dimension, type, marking, surface, clearance, identification, and all other particulars whatsoever. In the event of a conflict, the more restrictive provision shall apply and take precedence.

19.09.08. Landscaping in Parking Areas.

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

1. **Parking Areas Adjacent to Public Streets**. All parking areas (not including a driveway for an individual dwelling) for non-residential or multi-family residential uses that are adjacent to public streets shall have landscaped strips of not less than ten feet in width placed between the sidewalk and the parking areas, containing a berm or screen wall with a minimum height of three feet to minimize intrusion of lighting from headlights and other lighting on surrounding property. Trees, both deciduous and evergreen, shall be placed in the strip with spacing of no more than thirty feet between trees except in the clear sight triangle. The standards of section 19.06.06, Planting Standards and Design Requirements, shall apply for the minimum size of vegetation.

2. **Curbs.** All landscaped areas abutting any paved surface shall be curbed (not including a driveway for an individual dwelling). Boundary landscaping around the perimeter of the parking areas shall be separated by a concrete curb six inches higher than the parking surface.

3. **Clear Sight.** See Chapter 19.06.11, Clear Sight Triangles.

4. **Components of Landscaped Areas.** All landscaped parking areas shall consist of trees, shrubs, and groundcover. Areas not occupied by structures, hard surfaces, vehicular driveways, or pedestrian walkways shall be landscaped and maintained. All landscaped areas shall have an irrigation system.

5. **Required Parking Islands.**
    a. **Islands on Doubled Rows of Parking.** On doubled rows of parking stalls, there shall be one 36-foot by 9-foot landscaped island on each end of the parking rows, plus one 36-foot by 9-foot landscaped island to be placed at a minimum of every twenty parking stalls. Each island on doubled parking rows shall include a minimum of two trees per planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
    b. **Islands on Single Rows of Parking.** On single rows of parking or where parking abuts a sidewalk, there shall be one 18-foot by 9-foot landscaped island a minimum of every ten stalls. Islands on a single parking row shall have a minimum of one tree planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
    c. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site.

6. **Completion of Landscaping.** All landscaping improvements shall be completed in accordance with the approved Site Plan, landscape-planting plan, and irrigation plan and occur prior to the issuance of a Certificate of Occupancy for the building. Exceptions may be permitted and Certificates of Occupancy issued where weather conditions prohibit the completion of required landscaping improvements. In such cases an extension period of six months is permitted but a bond shall be posted for not less than 115% of the value of the landscaping and shall be held until the requirements of this Chapter are met.

(Ord. 16-01, Ord. 14-23, Ord. 14-13)

19.09.09. Pedestrian Walkways and Accesses.

Parking lots larger than 75,000 square feet shall provide raised or delineated pedestrian walkways. Walkways shall be a minimum of ten feet wide and shall be placed through the center of the parking area and extend to the entrance of the building. Landscaped islands along the center walkway shall be placed at a minimum interval of every thirty feet. Landscaped islands are encouraged to be offset from one another to create a feeling of greater coverage. Pedestrian covered walkways may be substituted for tree-lined walkways. Where the developer desires to have a driveway access at the center of the parking area, a pedestrian access shall be placed on either side of the driveway.

19.09.10. Shared Parking and Curb Cuts.

1. Up to twenty-five percent of the required parking may be shared with an adjacent use upon approval by the City Council. The developer must provide:
    a. an agreement granting shared parking or mutual access to the entire parking lot; and
    b. peak demand data by a professional traffic engineer showing that shared parking will accommodate the uses.

2. In most cases, shared parking areas shall share ingress and egress. This requirement may be waived when the City Engineer believes that shared accesses are not feasible. In reviewing the site plans for the shared parking areas, the City Engineer shall evaluate the need for limited access, appropriate number of curb cuts, shared driveways, or other facilities that will result in a safer, more efficient parking and circulation pattern.

(Ord. 14-13)

19.09.11. Required Minimum Parking.

The table below indicates the minimum requirement for each use; unless otherwise identified, in no case may the minimums be exceeded by more than 25%.

Use	Parking Requirement
Agriculture	To be determined by the Planning Commission (See 19.09.05(6))
Alcoholic Beverage, Package Agency	1.5 stalls per person employed on highest employee shift
Alcoholic Beverage, State Liquor Store	4 stalls per 1000 sq. ft.
Animal Hospital, Large/Large Veterinary Office	4 stalls per 1000 sq.ft.
Animal Hospital, small / Small Veterinary Office	4 stalls per 1000 sq. ft.
Arts and Crafts Sales	4 stalls per 1000 sq. ft.
Automobile Refueling Station	1 stall per 100 sq. ft.
Automobile Rental & Leasing Agency	4 stalls per 1000 sq. ft. of office space
Automobile Repair, Major	3 stalls for every bay plus 1 stall per person employed on highest employee shift
Automobile Repair, Minor	2 stalls for every bay plus 1 stall per person employed on highest employee shift
Automobile Sales	1 stall per person employed on highest employee shift plus 1 stall for every 15 items on display
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service	1 stall per person employed on highest employee shift, plus 1 stall per bay, plus 1 stall for every 15 items on display

Bakery, Commercial	1.5 stalls per person employed on highest employee shift
Bakery, Retail	4 stalls per 1000 sq. ft.
Bed and Breakfast	2 stalls per bedroom
Bookstore	4 stalls per 1000 sq. ft.
Building Material Sales (with outdoor storage)	4 stalls per 1000 sq. ft.
Building Material Sales (without outdoor storage)	4 stalls per 1000 sq. ft.
Bus Lot	2 stalls per 1000 sq. ft. of any office, plus 1 stall per employee originating from that location.
Car Wash (full service)	3 stacking stalls per bay including stall inside bay, plus 1 parking stall per bay, plus 1 stall per person employed on highest employee shift
Car Wash (self service)	2 parking stalls, plus 2 stacking stalls per bay including stall inside bay, plus 1 post-stacking space per bay
Cemetery	To be determined by the Planning Commission (See 19.09.05(6))
Child care center	1 stall per staff member / volunteer present on highest shift, plus 1 stall per 5 students present at one time
Church	1 stall per 3 seats**
Commercial and industrial laundries	1.5 stalls per person employed on highest employee shift
Commercial Recreation	1 stall per 100 sq. ft.
Commuter/Light Rail Station	To be determined by the Planning Commission (See 19.09.05(6))
Contract Construction Services Establishments	4 stalls per 1000 sq. ft.
Convenience Store	5 stalls per 1000 sq. ft.
Convenience Store/Fast Food Combination	Based on sq.ft. of each separate use.
Copy Center	4 stalls per 1000 sq. ft.
Crematory/Embalming Facility	1.5 stalls per person employed on highest employee shift**
Dairy Farm	To be determined by the Planning Commission (See 19.09.05(6))
Dry Cleaners	2 stalls per 1000 sq. ft., plus 1 stall per employee on highest employee shift
Dwelling, above commercial	1 stall per bedroom or 2 stalls per unit, one of which must be covered*, whichever is lower, plus 0.25 guest stalls per unit.

Dwelling, Multi-Family*	1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be enclosed, plus 0.25 guest stalls per unit. **
Dwelling, Single Family	2 stalls per dwelling enclosed in garages. Driveways are to be 20' in length**
Dwelling, Three-Family	1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be enclosed, plus 0.25 guest stalls per unit. **
Dwelling, Two-Family	1 stall per bedroom or 2 stalls per unit, whichever is lower, one of which must be enclosed, plus 0.25 guest stalls per unit. **
Educational Center	4 stalls per 1000 sq. ft.
Electronic Media Rental and Sales	4 stalls per 1000 sq. ft.
Electronic Sales and Repair	4 stalls per 1000 sq. ft.
Equestrian Center	To be determined by the Planning Commission (See 19.09.05(6))
Equipment Sales & Services	4 stalls per 1000 sq. ft.
Financial Institution	2 stalls per 1000 sq. ft.**
Fitness Center (5,000 sq. ft. or less)	5 stalls per 1000 sq. ft.
Fitness Center (5001 sq.ft. or larger)	5 stalls per 1000 sq. ft.
Floral Sales	4 stalls per 1000 sq. ft.
Fueling Station	Stalls at the pump will meet the requirement.
Fueling Station, Cardlock Facility	Stalls at the pump will meet the requirement.
Funeral Home	1 stall per 3 seats
Golf Course	3 stalls per hole, plus 1 stall per driving range station, plus 1 stall per employee employed on highest shift. Parking for any reception center, restaurant, or other ancillary use to be calculated separately based on the requirement for that use
Grocery Store	4 stalls per 1000 sq. ft.
Hair Salon	4 stalls per 1000 sq. ft.
Hardware and Home Improvement Retail	4 stalls per 1000 sq. ft.
Home Occupations	Same as for the dwelling, plus 1 stall per each employee that lives outside the home.
Hospitals	To be determined by the Planning Commission (See 19.09.05(6))
Hotels	2 stalls per bedroom, plus 1 stall per 3 seats in meeting space. If hotel contains a restaurant, restaurant parking shall be calculated separately based on the restaurant sq. ft.

Ice Cream Parlor	4 stalls per 1000 sq. ft.
Impound Yard	1.5 stalls per person employed on highest employee shift**
Kennel, Commercial	4 stalls per 1000 sq. ft.
Laundromat	5 stalls per 1000 sq. ft.
Library	To be determined by the Planning Commission (See 19.09.05(6))
Light Manufacturing	1.5 stalls per person employed on highest employee shift
Livestock Auction Yard	To be determined by the Planning Commission (See 19.09.05(6))
Marina	To be determined by the Planning Commission (See 19.09.05(6))
Mining	1.5 stalls per person employed on highest employee shift
Mixed Use, Commercial, Office & Residential Use	Residential: see Dwelling Requirements Nonresidential: Based on the sq. ft. of each individual use
Motels	2 stalls per motel room, plus 1 space per 3 seats of meeting space
Non-Depository Institutions	5 stalls per 1000 sq. ft.
Office, High-Intensity	6 stalls per 1000 sq. ft.**
Office, Medical and Health Care	5 stalls per 1000 sq. ft.**
Office, Professional	4 stalls per 1000 sq. ft.
Parks, playgrounds, or community recreation - Private	To be determined by the Planning Commission (See 19.09.05(6))
Parks, playgrounds, Recreation areas, or Other Park Improvements - Public	To be determined by the Planning Commission (See 19.09.05(6))
Pawn Shop	4 stalls per 1000 sq. ft.
Personal Service Establishment	4 stalls per 1000 sq. ft.
Plant & Tree Nursery Postal Center	To be determined by the Planning Commission (See 19.09.05(6)) 5 stalls per 1000 sq. ft.
Preschool	1 stall per staff member / volunteer present on highest shift, plus 1 stall per 5 students present at one time**
Printing, lithography, and publishing establishments	4 stalls per 1000 sq. ft.
Public and private utility buildings and facilities	To be determined by the Planning Commission (See 19.09.05(6))
Public Building or Facilities (City Owned)	To be determined by the Planning Commission (See 19.09.05(6))
Reception Centers	1 stall per 100 sq. ft.

Recreation Center	1 stall per 100 sq. ft.
Recreation Rentals	4 stalls per 1000 sq. ft.
Recreational Vehicle Sales	See Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service
Recycling Facilities	1.5 stalls per person employed on highest employee shift, plus 3 stacking stalls at drop-off
Research and Development	1.5 stalls per person employed on highest employee shift
Residential Facilities for Elderly Persons	To be determined by the Planning Commission (See 19.09.05(6))
Residential Facility for Persons with a Disability	Same as for the dwelling, plus Home Occupation requirements for employees.
Restaurant, Casual	1 stall per 100 sq. ft.
Restaurant, Deli	5 stalls per 1000 sq. ft.
Restaurant, Sit Down	1 stall per 100 sq. ft.
Retail Sales	4 stalls per 1000 sq. ft.
Retail, Big Box	4 stalls per 1000 sq. ft.
Retail, Specialty	4 stalls per 1000 sq. ft.
Retail, Tobacco Specialty Store	4 stalls per 1000 sq. ft.
Riding Arena (Commercial)	To be determined by the Planning Commission (See 19.09.05(6))
Riding Arena (Private)	To be determined by the Planning Commission (See 19.09.05(6))
School, Private and Quasi-Public	To be determined by the Planning Commission (See 19.09.05(6))
School, Trade or Vocational	To be determined by the Planning Commission (See 19.09.05(6))
Self-storage or mini storage units	1 per bedroom in any caretaker unit, plus 1 stall for every 50 storage units.
Sexually Oriented Businesses	To be determined by the Planning Commission (See 19.09.05(6))
Shooting Range, Indoor or Outdoor	1 stall per shooting lane, plus 4 stalls per 1000 sq.ft. of office/retail space.
Stables	To be determined by the Planning Commission (See 19.09.05(6))
Tattoo Parlor	4 stalls per 1000 sq. ft.
Theater	To be determined by the Planning Commission (See 19.09.05(6))
Transit-Oriented Development (TOD)	To be determined by the Planning Commission (See 19.09.05(6))

*Tandem parking spaces within a garage will only be counted as one parking space for residential uses.

** Exception – the minimum for these uses may be exceeded by more than 25%.

(Ord. 16-17, Ord. 16-01, Ord. 14-23, Ord. 14-13, Ord. 14-1)

Chapter 19.10. Hillside Development Ordinance.

Sections:

19.10.01. Purpose.
19.10.02. Scope and Application.
19.10.03. Required Plans.
19.10.04. Hillside Development Standards.
19.10.05. Bonding Requirements.

19.10.01. Purpose.

1. The provisions of this Chapter are enacted in order to provide standards, guidelines, and criteria for minimizing flooding, erosion, and other environmental hazards that may result from development of hillsides in the City. In addition, these standards are intended to protect the natural scenic character of hillsides and especially sensitive hillsides that may not be suitable for development.

2. To achieve the intent of this Chapter, it is required that professionals, qualified in each of the disciplines addressed herein, be utilized to stimulate creative and appropriate designs in hillside areas.

19.10.02. Scope and Application.

1. It shall be unlawful to grade, fill, or excavate any land in any manner that presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition.

2. The provisions of this Chapter shall apply to all areas that the City Engineer deems necessary.

3. The provisions of this Chapter are intended to supplement those set forth in the Subdivision Ordinance and other Chapters of the Land Development Code. In the event of conflict, the more restrictive provision shall apply.

4. Detailed reports and plans are required in the following sections of this Chapter which must be approved by the City Engineer before any construction will be permitted in designated hillside areas.

5. Development of individual residential lots located in an approved subdivision shall comply with conditions, standards, and requirements established through the subdivision approval process. Site specific plans, necessary to achieve the purpose of this Chapter, may also be required for residential lots that are not located in a recorded subdivision.

19.10.03. Required Plans.

1. The following reports and plans shall be prepared at the expense of the applicant and shall be submitted as part of the Preliminary Plat or Site Plan application. All reports and

plans submitted herein shall be prepared by persons or firms licensed or certified to practice their specialty in the State of Utah.

2. **Drainage and Erosion Control Plan.** A Drainage and Erosion Control Plan shall be prepared by a professional engineer licensed by the State of Utah. The plan shall be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include a storm water management plan, erosion control plan, and grading details that comply with applicable provisions of the Standard Technical Specifications and Drawings manual.

3. **Grading Plan.** A Grading Plan shall be prepared by a civil engineer, land surveyor, or landscape architect licensed by the State of Utah. The Grading Plan shall comply with applicable provisions of the City's Standard Technical Specifications and Drawings manual and shall also include the following information:
    a. A Slope Classification Map and analysis for the development site. Two maps shall be prepared. The first shall represent the pre-development slope districts and the second shall represent post-development slope districts.
    b. Topsoil stockpile areas shall be designated.
    c. Access or haul road location, treatment, and maintenance requirements shall be designated on the grading plan. If temporary haul roads are proposed, the plan shall include a description of the method for controlling erosion and dust during the period of the road's operation and restoration of the area once hauling is completed.
    d. The Plan shall include an analysis of the environmental effects of site development including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.

4. **Revegetation Plan.** The Revegetation Plan shall include a slope stabilization and revegetation report which shall include all of the following for new developments:
    a. Location of existing vegetation and identification of plant species existing on the development site;
    b. The vegetation to be removed and the method of disposal. All areas of the development site cleared of natural vegetation in the course of construction shall be replanted with vegetation possessing erosion control characteristics at least equal to the natural vegetation which was removed.
    c. A plant schedule listing the plant species or seed mixes, or both, to be used for revegetation. Revegetation species shall follow city standards.
    d. New plantings shall be protected with mulch and fertilized in conjunction with a planting and watering schedule. Persons or firms having expertise in the practice of revegetation (e.g., licensed Landscape Architects) shall supervise the planning and installation of revegetation cover for the total development site.
    e. Any slope with a slope greater than thirty percent shall have approved erosion control malting or fabric installed over seed area.
    f. The Plan shall specify slope stabilization and erosion control measures that will be implemented while new vegetation is being established.
    g. Topsoil will be installed as per City standards.

5. **Geology Report.** A Geology Report shall be prepared by a Geotechnical Engineer or Geologist licensed by the State of Utah. A geologic map shall accompany the report. Mapping shall reflect careful attention to the rock composition, structural elements, and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction shall be made between observed and inferred features or relationships. The Geology Report shall contain all applicable information required by the City's Standard Technical Specifications and Drawings manual including, as a minimum, the following:
    a. Identification of any zones of deformation with respect to active faults and other mass movements of soil and rock.
    b. Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.
    c. Active or inactive landslide area.
    d. Identification of areas containing ground water and shallow ground water must be mitigated.
    e. Identification of all rock fall zones.
    f. Written recommendations for construction of proposed structures or public improvements to minimize or avoid impacts of potential geologic hazards.

6. **Soil Characteristics Report.** A Soil Report shall be prepared by a Civil Engineer or Geologist specializing in soil mechanics and licensed by the State of Utah and shall be based upon adequate test borings and excavations. This report shall contain data regarding the nature, distribution, and strength of soils within the project area to a minimum depth of ten feet. The Soil Report shall contain all applicable information required by the City's Standard Technical Specifications and Drawings manual including, as a minimum, the following:
    a. unified classification of all soils encountered on the site with an estimate of their susceptibility to erosion, liquid limit, shrink-swell potential, and general suitability for development;
    b. a statement as to whether or not ground water was encountered in any of the test borings and at what elevation it was encountered and an estimate of the normal highest elevation of the season high ground water table; and
    c. the soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and public improvements that may result from development on steep slopes.

7. **Fire Protection Report.** At preliminary plat approval or site plan approval, a Fire Protection Report, or Fire Protection Plan in accordance with the Wildland-Urban Interface Code, shall be prepared to assess fire probability and potential hazards by a person or agency qualified by training and experience and approved by the City Fire Chief. Elements of the report shall include the following:
    a. the width and approximate location of any easement required for access of fire protection equipment;
    b. the width and approximate location of recommended fuel breaks on the development site;
    c. approval from the Saratoga Springs City Fire Department of proposed fire protection measures; and

d. a letter from the Saratoga Springs City Fire Department specifying recommended fire flows for the type and location of the development and the existing fire flow capability or the fire flow capability proposed to serve the project.

19.10.04. Hillside Development Standards.

1. **Clustering of building sites.** Clustering of development is recommended and may be required by the Planning Commission in order to achieve the objectives of this Chapter. Whether proposed by an applicant or required by the Planning Commission, minimum lot size requirements may be reduced upon findings by the City Council that:
    a. the clustering proposal meets all other applicable requirements of this Chapter and other applicable development standards;
    b. the clustering proposal, compared with a more traditional site development plan, provides better solutions for achieving the purposes of this Chapter by, among other things, providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands and steep slopes;
    c. the clustering proposal will have no adverse impact on adjacent properties or development, or, if such impacts would result, the applicant has agreed to implement appropriate mitigation measures such as landscaping, screening, and other design solutions to buffer and protect adjacent properties from the proposed clustered development; and
    d. the architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

2. **Prohibition of development on steep slopes.** No building or other structures, including clearing, excavation, and grading shall be allowed on sensitive lands, including slopes greater than thirty percent.

3. **Prohibition of development on designated ridge lines.**
    a. No building or other structures shall intrude into any ridge line protection area that has been identified and designated by the City during the development review and approval process.
    b. For the purposes of this Chapter, designated ridgeline protection areas shall consist of prominent ridge lines that are highly visible from public rights-of-way or trails, and shall include the crest of any designated hill or slope, plus the land located within 100 feet horizontally (map distance) on either side of the crest.

4. **Cutting to create benches.** Cutting and grading to create benches or pads for larger building sites shall be avoided to the maximum extent feasible.

5. **Limits on changing natural grade.** The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:

a. the site's original grade may be raised or lowered six feet if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with Subsection 10. of this Section; or
b. the site's original grade may be raised or lowered more than six feet with terracing, as specified by Subsection 10. of this Section.

6. **Grading permit required.**
   a. No grading, excavation, or tree or vegetation removal shall be permitted without a grading permit.
   b. No blasting will be allowed in the City unless specific approval is given by the City Council after receiving positive recommendations from an independent certified blasting specialist and the Development Review Committee.

7. **Grading for accessory building pads.** Grading to create separate building pads for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities is prohibited on natural slopes over thirty percent.

8. **Grading for road construction.**
   a. Topsoil on proposed road rights-of-way shall be removed prior to establishing finished grades and shall be stockpiled at the location identified on the approved grading plan and may be used in revegetation, to be redistributed on disturbed areas prior to revegetation.
   b. Excess cut material resulting from road construction or utility installation shall be removed from the site.
   c. Where permanent roads or roadbeds are to be used during construction and storm water inlets have already been installed, such inlets shall be protected to prevent sediment from entering the storm drainage system.

9. **Limits on graded or filled man-made slopes.**
   a. The grade of man-made slopes shall not generally exceed twenty-five percent or a 4:1 slope.
   b. In no case shall the grade of cut or fill slopes exceed fifty percent unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or geotechnical report prepared and certified by a qualified professional, that a cut at a steeper slope will be stable and will not create a hazard to public or private property.
   c. All cut, filled, and graded slopes shall be re-contoured and landscaped, as per chapter 19.10.03, to blend into the natural grade of surrounding land.
   d. All permanent fills shall be constructed and stabilized to prevent settlement, sliding, or erosion damage to streets, curbs, gutters, sidewalks, or buildings.

10. **Terracing and retaining walls.** Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to revegetation.
    a. Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height measured from finished grade.

b. Terracing shall be limited to two tiers. The width of the terrace between any two four-foot vertical retaining walls shall be at least three feet. Retaining walls higher than four feet shall be separated from any other retaining wall by a minimum distance of five horizontal feet. Terraces created between retaining walls shall be permanently landscaped or re-vegetated.
c. Retaining walls greater than four feet in height are required to be designed by an engineer licensed by the State of Utah.
d. Prior to installing a retaining wall, a building permit must be obtained.

11. **Repair of disturbed areas.** All repair measures for disturbed areas shall be made no later than thirty days after the disturbance is made, except revegetation which shall take place at the earliest planting season thereafter.

12. **Stabilization and maintenance.**
    a. The developer:
        i. is responsible for interim stabilization of all disturbed areas during construction to prevent off-site erosion;
        ii. is responsible for final stabilization once construction is completed; and
        iii. may be held responsible for slope failure at any time if it can be shown that such failure was the result of defective workmanship or failure to follow approved plans.
    b. Owners of individual lots or common areas are responsible for stabilization and erosion control of sites during construction on the site and for ongoing maintenance.

13. **Preservation of existing vegetation.** Existing concentrations of significant trees and vegetation shall be preserved. For the purposes of this Chapter, "significant trees and vegetation" means large trees of six-inch caliper or greater, groves of five or more smaller trees, or clumps of shrubs covering an area of fifty square feet or more measured at the drip lines.

14. **Revegetation.** Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and other native or adapted plant material. New vegetation shall be equivalent to or exceed the density and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects. Use of fire-resistant plants for revegetation is strongly encouraged. (For a list of fire-resistant plants, contact the Wasatch-Cache National Forest, Salt Lake Ranger District, or the Utah Division of Forestry, Fire, and State Lands.)

15. **Building Envelope.** Building envelope will be represented on Subdivision Plats. No structures or buildings will be allowed outside of the building envelope.

16. **Wildfire hazards and tree and vegetation removal.** In areas determined by the Saratoga Springs Fire Chief to be highly susceptible to fire hazards, vegetation up to thirty feet from the perimeter of a structure shall be selectively pruned, thinned, and regularly maintained to help minimize the risk of property damage from wildfire and to provide space for fire-fighting equipment and personnel. When landscaping within this thirty-foot fire-break area, use of fire resistant plants is strongly encouraged.

17. **Streets and access.**
    a. The street standards and specifications of Saratoga Springs City shall apply to all developments, except where conditions related to proper development of hillside areas necessitate altering these standards as outlined herein.
    b. Streets shall not cross slopes over thirty percent unless deemed necessary by the Development Review Committee. Approval shall be based on the following findings:
        i. no alternate location for access is feasible or available;
        ii. no individual segment or increment of the street that will cross slopes between thirty percent and fifty percent exceeds 100 feet in length;
        iii. the cumulative length of individual segments or increments that will cross slopes between thirty percent and fifty percent does not exceed ten percent of the total length of the street; and
        iv. no significant adverse visual, environmental, or safety impacts will result from the crossing, either by virtue of the design and construction of the street as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
    c. Under no circumstances shall any street cross slopes greater than fifty percent.
    d. Streets shall not exceed a ten percent grade at any point.
    e. Private driveways and access roads shall not exceed a grade of fifteen percent unless specifically approved by the City Council, after receiving a favorable recommendation from the City Engineer and the Public Utilities Director.
    f. Street slopes and grades shall, to the maximum extent feasible, follow the natural terrain.
    g. Variance to street design standards developed to solve special hillside visual and functional problems may be requested pursuant to Chapter 19.01.
    h. The developer shall dedicate to the City a slope easement for any cut or fill slope over thirty percent created by construction of a street on hillsides which is not contained within the public right-of-way.
    i. Points of access shall be provided to all developed and undeveloped land for emergency firefighting equipment.
    j. Reasonable access to canyon trails and natural washes shall be provided through developments that are located adjacent to such canyons or washes. Parking areas may be required by the Planning Commission at trail heads.

18. **Drainage corridor protection.**
    a. Filling or dredging of major natural drainage channels is prohibited without the approval of the City Engineer.
    b. Pedestrian or vehicular crossings of drainage corridors. In those cases where either pedestrian or vehicular access over a water course, gully, stream bed, or storm water runoff channel is found to be necessary or desirable, a bridge or other approved structure as approved by the City Engineer shall be constructed for that purpose. Bridges or other structures crossing water courses, gullies, stream beds, or storm water runoff channels shall be designed to minimize impacts on these natural drainage corridors.

c. Minimum setbacks. All buildings, accessory structures, leach fields, and parking lots shall be set back at least 100 feet from the top-of-bank of water courses, gullies, or stream beds.
d. Preservation of vegetation. All existing vegetation within drainage corridors shall be preserved and, where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native or adapted planting.

19. **Responsibility for construction and maintenance of improvements.** The developer shall be fully responsible for making all improvements in accordance with approved plans. The property owner shall be responsible for maintaining all improvements made in accordance with the site development approval.

19.10.05. Bonding Requirements.

The developer or lot owner may be required to guarantee the completion of revegetation projects, the stabilization of grading sites, construction of storm water runoff facilities, and other requirements of this Chapter as part of its subdivision bonding as required by the Land Development Code.

Chapter 19.11. Lighting

Sections:

19.11.01. Purpose.
19.11.02. Applicability.
19.11.03. Definitions.
19.11.04. Temporary Lighting.
19.11.05. Lighting Standards and Design Requirements.
19.11.06. Lighting Plan.
19.11.07. Other Prohibited Lighting.
19.11.08. Maintenance of Nonconforming Lighting.

19.11.01. Purpose.

1. These provisions are intended to ensure a high quality and sustainable environment in the City, through the application of minimum standards for and limitations on artificial lighting and glare, while protecting the public health, safety, and general welfare.

2. These lighting standards are also intended to control the use of outdoor artificial lighting and illumination to:
    a. Protect drivers, residents, and pedestrians from the glare of non-vehicular light sources; and
    b. Promote energy-efficient lighting design and operation; and
    c. Protect and retain the intended visual character of the City; and
    d. Minimize detrimental effects on the community character; and
    e. Prevent undesirable light rays from intruding on private properties; and
    f. Allow reasonable enjoyment of adjacent and nearby property by their owners and occupants; and
    g. Increase nighttime safety, utility, security, and productivity.

(Ord. 14-23)

19.11.02. Applicability.

1. Conformance required: this section applies to all new development in the City unless otherwise exempted in this Title, expansions to previously existing development in the City, and uses proposed to operate during hours of darkness.

2. Exemptions: the following uses shall be exempt from the requirements of this section:
    a. Agricultural Use: this regulation shall not be used to regulate any operational aspect of an agricultural use, including the cultivation and harvesting of crops, land management activities (controlled burning, clearing, spraying, trimming), livestock management, hunting, or use and application of water. This ordinance shall apply to the installation of new permanent lighting fixtures on building and structures.

b. Emergency Lighting: all temporary emergency lighting needed by the police, fire department, or other emergency services.
c. Vehicular lighting: lighting required by law to be installed on motor vehicles.
d. Aircraft lighting: lighting required for the safe operation of aircraft.
e. Construction lighting: construction lighting during the period of construction for which a development permit has been issued is exempt, provided such lighting is temporary and discontinued immediately upon completion of the construction work; also outdoor lighting employed during emergency night-time repair of roads and utilities.
f. Existing nonconforming lighting fixtures: all outdoor light fixtures lawfully installed prior to the adoption of this section, except that the subject lighting fixtures shall conform to the hours of operation.
g. Decorative holiday lighting.

(Ord. 14-23)

19.11.03. Definitions.

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

1. **Building Lighting** – lighting cast onto the walls of a building or structure.

2. **Business** – A person, partnership, corporation, or organization engaged in commerce, manufacturing, or a service; profit and non-profit seeking enterprise or concern; charitable organization. The definition is intended to be broadly construed.

3. **Digital Sign** – Cathode ray tube (CRT), flat panel liquid-crystal display (LCD), LED, plasma, aerial imaging, projector or other electronic device that electronically provides signage.

4. **Direct Light** – Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens of a lighting fixture.

5. **Fixture** – See "Lighting, Fixture"

6. **Fixture Height** – The location of the fixture as measured from the grade directly below the fixture to the top of the fixture.

7. **Foot-candle (fc)** – A unit of light measurement equal to one lumen per square foot.

8. **Full Cutoff** – Describes a lighting distribution where no light is allowed to emit from a light source at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the lighting source, with no more than 10% of the light penetrating zone 1, and no light penetrating zone 2, as shown in Exhibit 1. A full cutoff lighting fixture is also fully shielded.

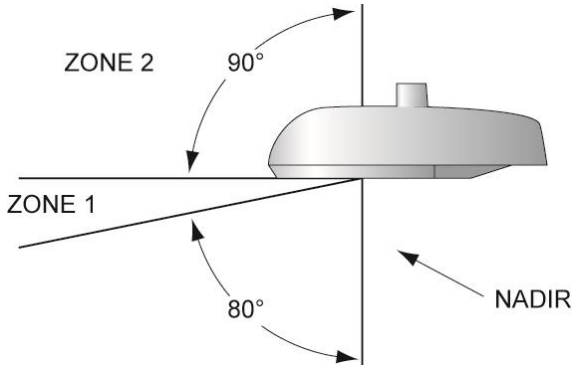


Exhibit 1

9. **Fully Shielded** – A lighting fixture constructed in such a manner that all light emitted by the source, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the lighting fixture, is projected below the horizontal plane, and where the lamp is not visible to the eye from a distance of 100 feet. A fully shielded fixture is not necessarily full cutoff.

10. **Glare** – Light emitting from a light source with intensity great enough to cause loss in visual performance or annoyance, so as to jeopardize health, safety, or welfare.

11. **Hazard to Air Navigation** – An obstruction or light source determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

12. **Intermittent Lighting** – Lighting that does not remain on for more than ten minutes at a time.

13. **Lamp –** A bulb, globe, LED, cathode, beacon, or other source of light.

14. **Lighting Assembly** – A complete structure consisting of a fixture and lamp or lamps together with the parts designed to distribute the light, to support the lamps, to position and protect the lamps, to attach the lamps to the ground or to a structure, and to connect the lamps to a power supply.

15. **Lighting Fixture –** Luminaire, typically the housing, shade, and bulb portion of a lighting assembly

16. **Lumen** – A unit of measure for the brilliance of light source. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

17. **Nadir** – The direction pointing vertically down from the lowest light emitting part of the lighting fixture (see Exhibit 1 for an example).

18. **Nonconforming Lighting** – Any lighting that does not comply with the provisions of this Ordinance or with the provisions of any other applicable regulations of the City, but was lawfully pre-existing as of the effective date of this Ordinance or other applicable regulations.

19. **Outdoor Lighting** – Illumination of an outside area or object by any manmade device.

20. **Sport Lighting** – Lighting with the sole purpose of lighting a public sports field, court, or stadium during sporting events and training.

21. **Temporary Outdoor Lighting** – Lighting allowed as specified in an approved temporary permit pursuant to the requirements of this Chapter.

22. **Trespass Lighting** – Light emitted by a lighting fixture which is cast outside the boundaries of the property on which the lighting fixture is sited.

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

(Ord. 14-23)

19.11.04 Temporary Lighting:

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

1. The permit may allow temporary lighting for a period not to exceed ninety consecutive days, with at least ninety days passing before another temporary electrical permit may be issued for that same property.

2. The total period of all such permits issued for a single property may not exceed ninety days in any year.

3. The ability to acquire a temporary permit shall not in any way annul or eliminate any requirement to apply for and receive other permits or approvals which may be required by the City, or other applicable jurisdiction(s).

4. The request for temporary lighting must contain the following information in addition to information required to obtain a temporary electrical permit:
    a. Proposed use, purpose and location of the outdoor light requested.
    b. A written explanation of why compliance cannot be achieved.
    c. Type of lamp(s) to be used, including manufacturer's part number and initial lumens.
    d. Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in (ISO) foot-candle diagrams.
    e. Starting and ending dates for temporary lighting use and identification of all prior temporary lighting permits requested or approved for the subject property
    f. Contact information including name of applicant, affiliation (if applicable), address and telephone number.

g. Such other information the Planning Director may require.

5. A permit application may be denied if it is determined that the nature, location, orientation, scale, length, intensity or other characteristic of such proposed temporary lighting will create a safety hazard, distraction to drivers, or otherwise have a negative impact on the public welfare.

6. All temporary lighting proposed under this Ordinance shall to the maximum extent practical, limit the scale of proposed temporary exemptions (lumens, trespass, hours, etc.). In taking action on any such application, the Planning Director or his/her agent may deny in whole or in part, specific proposed elements of the proposal, or impose conditions and/or modifications in order to mitigate, reduce or eliminate potential negative impacts on the public health, safety or general welfare.

(Ord. 14-23)

19.11.05. Lighting Standards and Design Requirements.

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

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

lighting sources shall not exceed 10,000 lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

2. Residential Lighting:

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

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

3. Nonresidential Lighting:

a. All wall-mounted fixtures shall not be mounted above 16'. The exception shall be those instances where there is a second story access directly from the outdoors, and under-eave lighting. Wall-mounted lighting shall be only for the illumination of vertical surfaces such as building facades and signs, and shall not cast illumination beyond the surface being illuminated.
b. Intermittent lighting must be of the "motion sensor" type that stays on for a period of time not to exceed ten (10) minutes and has a sensitivity setting that allows the lighting fixture to be activated only when motion is detected on the site.
c. All trespass lighting shall not exceed one foot-candles measured at the property line, except that trespass lighting into residential development shall not exceed 0.1 foot-candles measured at the property line.
d. Service station canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
e. All freestanding lighting fixtures and assemblies shall be black.
f. Pole design shall include an arm and bell shade.
g. Parking lot poles shall be limited to a height of 16' when in or within 200' of a residential zone; all other locations shall have a height limit of 20'.
h. All lighting fixtures in surface parking lots and on the top decks of parking structures shall be fitted to render them full cutoff.
i. Hours:

i. One hour after closing or by 11:00pm, whichever is earlier, businesses must turn off at least fifty percent (50%) of building lighting and lighting fixtures in surface parking lots and on top decks of parking structures; however, those lighting fixtures turned off may be set to function utilizing a motion detector system. Lights may be turned back on one half hour prior to the first employee shift.
ii. Business open for 24 hours must turn off 50% of their outdoor and parking lot lighting by 11:00pm and must keep them off until one half hour before sunrise, however, those lighting fixtures turned off may be set to function utilizing a motion detector system.

4. Outdoor Sign Lighting

a. All illuminated signs located within one-half (1/2) mile of Camp W.G. Williams shall be positioned in such a manner and contain shielding devices as to significantly reduce spillover light affecting the military installation and operations. In no instance shall signs within 1/2 mile be positioned facing parallel to the adjacent boundaries of Camp W.G. Williams.
b. On-premise signs may remain illuminated during regular business hours, but may not be illuminated later than one-half (½) hour after the business is no longer open to the public, nor prior to the daily opening of the business to the public.
c. External illumination for wall signs shall be positioned in a downward direction directly onto the sign in such a manner that light does not project past the sign surface being illuminated.
d. Monument signs may have upward illumination provided the light source is not visible, and the fixtures shall be installed and aimed in such a manner that light is not projected past the sign surface being illuminated, into the windows of neighboring residences, onto adjacent uses, onto public roadways, or skyward.
e. Internally illuminated signs shall be designed so that the light source is not visible.
f. All digital signs shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices, such as louvers, to minimize light escaping above the horizontal plane.
g. Nothing in this section shall be interpreted to authorize signs in areas of the City prohibiting signs.

5. **Sports Lighting:**

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

6. **Walkway lighting:**

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

7. **Street Lighting:**

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

(Ord. 14-23)

19.11.06. Lighting Plan.

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

1. Plans indicating the location and types of illuminating devices on the premises.

2. Descriptions of the illuminating devices, fixtures, lamp supports, and other devices. This description may include, but is not limited to, manufacturers' specifications, drawings, and sections.

3. Photometric sheet showing measurement of light intensity across the site and onto adjacent property in terms of candela, lumens, and foot-candles.

4. Plans providing information required in the Technical Standards and Specifications Manual.

(Ord. 14-23)

19.11.07. Other Prohibited Lighting

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

1. The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited; and

2. The use of strobe lights is prohibited.

3. The operation of searchlights, except by authorized public safety officials, for any purposes is prohibited.

(Ord. 14-23)

19.11.08. Maintenance of Nonconforming Lighting

1. All lighting fixtures and assemblies lawfully in place and operating prior to the effective date of this ordinance shall have legal nonconforming status.

2. Minor repair and maintenance of legal nonconforming lighting fixtures and assemblies is allowed. Replacement of a sign shall terminate nonconforming status of that fixture and at that time, all standards of this regulation must be met.

(Ord. 14-23)

Chapter 19.12. Subdivisions.

Sections:

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

19.12.01. Purpose.

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

19.12.02. General.

1. **Sales of portions of subdivision parcels.** No person shall sell, deed, or exchange, or offer to sell, deed, or exchange, any parcel of land that is a part of a subdivision or of a larger tract of land, or record in the office of the County Recorder any subdivision plat, unless the subdivision has been approved by the City according to the provisions of the City Code. Parcels created without such approval by the City shall be considered part of an illegal subdivision and not eligible for further subdivision, or building permits, or other development permits until the illegal subdivision is corrected. This Chapter shall be interpreted so as to be consistent with Utah Code Chapter 10-9a.

2. **All lots subject to ordinances.** All lots, plots, or tracts of land located within a subdivision shall be subject to the provisions of the City Code, regardless of whether or not the tract is owned by the applicant or a subsequent purchaser, transferor, or holder of the land.

3. **Severability.** If any section, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Chapter.

4. **Building and occupancy permits.**
    a. It shall be unlawful for any person to receive a building permit until all improvements, including utilities, are installed in accordance with City ordinances

and standards, accepted by the City in writing, and secured by a warranty bond posted to guarantee that they remain free from defects and continue to meet City standards for a period of one or two years as allowed in Utah Code § 10-9a-604.5. The City may allow building permits to be issued before improvements are installed if a performance bond is posted (accompanied by a bond agreement) and when, in the opinion of the City Engineer, delaying those improvements will not cause public safety or utility service problems for the homes being issued permits. The bond agreement shall specify the timeframe in which the improvements must be completed.

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

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

6. **Phased Subdivisions.** If the construction of various portions of any development is proposed to occur in stages, then the standards for phased development subdivision is proposed to occur in stages, then the standards for phased development outlined in 19.13 shall be met.

7. Utilities. All utility lines shall be underground in designated easements. No pipe, conduit, cable, water line, irrigation line, gas, sewage, drainage, steam, electrical, or any other energy or service shall be installed or maintained upon any lot outside of any building above the surface of the ground except during construction.
    a. No sewer, storm drain, culinary water, or irrigation water main shall be installed or maintained within a residential lot; all such utilities must be placed in an easement within protected open space or within rights-of-way. When placed outside rights-of-way they shall be located a minimum of 10’ from any lot line and paved access roads shall be provided to all manholes or other access points required for maintenance.

(Ord. 14-23, Ord. 14-4)

19.12.03. Subdivision Process and Approval Procedure.

1. **Processing of development plans.** All subdivisions are subject to the provisions of Chapter 19.13, Development Review Processes. In addition, all residential and non-residential subdivisions shall comply with this Chapter.
2. **Preliminary Subdivision Plats.** All subdivisions must receive a Preliminary Plat approval. Upon receipt of an application for a Preliminary Plat, City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is incomplete. Once an application is deemed to be complete, City Staff shall review the proposed Preliminary Plat and determine whether it is in compliance with state law, federal law, and City standards, resolutions, and ordinances. The Planning Director is specifically charged with ensuring that all such requirements have been resolved before recommending land use authority action. If the Planning Director recommends that a proposed Preliminary Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the land use authority finds that the preliminary Plat meets state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall approve the Preliminary Plat. If the land use authority finds that the preliminary Plat does not meet state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall deny the Preliminary Plat. An application for a Preliminary Plat shall follow the approved City format and must contain the following information:
   a. Application form, applicant certification, and application fee.
   b. Preliminary title report.
   c. Soils report.
   d. Preliminary Hydraulic and Hydrologic report and storm drainage calculations.
   e. Wetland delineation when required by City Engineer, Planning Commission, Development Review Committee, or the Army Corp of Engineers.
   f. Preliminary traffic report. Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include the following:
      i. an analysis of the average daily trips generated by the proposed project;
      ii. an analysis of the distribution of trips on City street systems;
      iii. a description of the type of traffic generated; and
      iv. recommendations on what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents that meets the standards of the Transportation Master Plan.
   g. Data table including:
      i. total project area;
      ii. total number of lots, dwellings, and buildings;
      iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
      iv. number of proposed garage parking spaces;
      v. number of proposed total parking spaces;
      vi. percentage of buildable land;

vii. acreage of sensitive lands and percentage sensitive lands comprise of total project area and open space area;
viii. area and percentage of open space or landscaping;
ix. area to be dedicated as right-of-way (public and private);
x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).

h. Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.
i. ALTA survey including deeds, easements, trees, utilities, structures, and other existing features and conditions.
j. Preliminary Plat: Full-size 24" x 36" copies of the Preliminary Plat at a scale no smaller than 1" = 100' and 11 x 17 inch reductions as identified on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Each copy shall conform to the City's standard plat layout and contain at a minimum the following items:
    i. General Layout.
    ii. Name and address of owners of land and name and address of developer if different than owner.
    iii. Name of land surveyor.
    iv. The location of the proposed subdivision with respect to surrounding property and streets.
    v. The name of all adjoining property owners of record, or the names of adjoining developments.
    vi. The names and location of adjoining streets and all facilities within 100 feet of the platted property.
    vii. Street and road layout with centerline bearing and distance labels, dimensions, and names of existing and future streets and roads, (with all new names cleared through the City GIS Department).
    viii. Subdivision name cleared with Utah County.
    ix. North arrow.
    x. A tie to a permanent survey monument at a section corner.
    xi. The boundary lines of the project with bearings and distances and a legal description.
    xii. Layout and dimensions of proposed lots with lot area in square feet.
    xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, recreational amenities, and trails.
    xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
    xv. Proposed road cross sections.
    xvi. Proposed fencing.
    xvii. Vicinity map.
    xviii. Signature blocks for preliminary approval by Planning Commission and City Council.
    xix. The Preliminary Plat shall be prepared and stamped by a professional surveyor or engineer licensed in Utah.
    xx. Proposed methods for the protection or preservation of sensitive lands.

xxi. Location of any flood plains, wetlands, and other sensitive lands.
xxii. Location of 100-year high water marks of all lakes, rivers, and streams.
xxiii. Projected Established Grade of all building lots.

k. Preliminary Construction drawings containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide full-size 24" x 36" copies and 11 x 17 inch reductions as required on the application form. Additional copies may be required prior to adding the application to the Planning Commission agenda.

l. Landscaping plan drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, and other information consistent with the standards and requirements in Section 19.06.

m. Phasing plan including a data table with the following information for each phase:
   i. total area in square feet and acres;
   ii. number of lots or dwelling units;
   iii. open space area and percentage;
   iv. utility phasing plan;
   v. number of parking spaces;
   vi. recreational facilities to be provided.

n. Lighting plan including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.

o. File of all plans, documents, and reports in pdf format.

p. A copy of the Utah County plat map showing ownership and parcel numbers.

q. A document from UDOT Region 3 stating that UDOT has granted approval for all proposed accesses onto any State road.

r. Geolocated KMZ file or GIS Shapefile including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.

2. **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 submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.

   b. Upon receipt of an application for a Final Plat, the following process shall be followed:
      i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is deficient.
      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 taking action.

iii. If the Planning Director finds that the Final Plat is in its final form and complies with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the Planning Director determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, they shall return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the Planning Director will authorize the Mayor to sign it.

iv. If the Final Plat application contains requested deviations from the approved Preliminary Plat, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered. If the City Council finds that the Final Plat and requested deviations are in final form and comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat and requested deviations do not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall 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.

v. 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.

3. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:
   a. Application form, applicant certification, and paid application fee.
   b. Signed easements and agreements with adjacent property owners for necessary off-site facilities.
   c. Signed and recorded articles of incorporation bylaws, and conditions, covenants, and restrictions of the Home Owners Association, if any.
   d. Certificate of Existence and Certificate of Good Standing from the State of Utah for the Home Owners Association, if any.
   e. Final Hydraulic and Hydrologic storm drainage report and calculations
   f. **Final Traffic report**. Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
      i. an analysis of the average daily trips generated by the proposed project;
      ii. an analysis of the distribution of trips on City street systems;
      iii. a description of the type of traffic generated; and

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

g. **Data table** including:
   i. total project area;
   ii. total number of lots, dwellings, and buildings;
   iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
   iv. number of proposed garage parking spaces;
   v. number of proposed parking spaces;
   vi. percentage of buildable land;
   vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area;
   viii. area and percentage of open space or landscaping;
   ix. area to be dedicated as right-of-way (public and private);
   x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).

h. **Final Subdivision Plat**: Full-size 24” x 36” sheets and 11” x 17” copies shall be submitted at a scale no smaller than 1” = 100’ as outlined on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Each Copy shall conform to the City’s standard plat layout and contain at a minimum the following items:
   i. Subdivision name and location.
   ii. Name and address of owners of land and name and address of developer if different than owner.
   iii. Name of land surveyor.
   iv. The location of the proposed subdivision with respect to surrounding property and streets.
   v. The name of all adjoining property owners of record, or the names of adjoining developments.
   vi. The names and location and ROW widths of adjoining streets and all facilities within 100 feet of the platted property.
   vii. Subdivision name cleared with Utah County.
   viii. North arrow.
   ix. A tie to a permanent survey monument at a section corner.
   x. The boundary lines of the project with bearings and distances and a legal description with total project area in SF and acres.
   xi. Layout and dimensions of proposed lots with lot area in square feet and acres. Lot boundaries shall include dimensions and bearings. Building envelopes shall be shown with dimensions and areas on each lot where slopes are greater than ten percent.
   xii. Lot Numbers
   xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, and recreational amenities.
   xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.

xv. Proposed road ROW widths.
xvi. Vicinity map.
xvii. Signature blocks for preliminary approval by Planning Commission and City Council.
xviii. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.
xix. Proposed methods for the protection or preservation of sensitive lands.
xx. Fencing plans.
xxi. Location of any flood plains, wetlands, and other sensitive lands.
xxii. Flood plain boundaries as indicated by the Federal Emergency Management Agency as well as the location of 100-year high water marks of all lakes, rivers, and streams.
xxiii. Existing and Proposed easements.
xxiv. Street monument locations.
xxv. Fire hydrant locations.
xxvi. Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).
xxvii. Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27 and be approved in writing by the City GIS department before being added to the subdivision plat.
xxviii. Final Established Grade of all building lots.

i. **Final Construction Drawings** containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide three full-size 24" x 36" copies and five 11 x 17 inch reductions. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda.
j. **Landscaping and irrigation plans** drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, installation details and other information consistent with the standards in 19.06. .
k. Phasing plan including a data table with the following information for each phase:
    1.8.01 Subtotal area in square feet and acres;
    1.8.02 number of lots or dwelling units;
    1.8.03 open space area and percentage;
    1.8.04 utility phasing plan;
    1.8.05 number of parking spaces;
    1.8.06 recreational facilities to be provided;
    1.8.07 overall plan showing existing, proposed, and remaining phases.
l. **Lighting plan** including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
m. File of all plans, documents and reports in pdf format.
n. A document from UDOT Region 3 indicating that UDOT has granted approval for all proposed accesses onto any State road.
o. **Geolocated KMZ file or GIS Shapefile** including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.

p. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
q. **Mylar Final Plat:** After receiving Final Plat approval from the Planning Director or City Council and in a form approved by the City, a 24" x 36" copy of the Final Plat shall be provided to the City on reproducible Mylar for recording with Utah County. The Mylar Final Plat shall be presented with all utility and owner signatures and appropriate notarizations.

(Ord. 15-29, Ord. 14-23, Ord. 14-4)

19.12.04. Condominium Process and Approval Procedure.

1. All condominium projects shall receive Site Plan or Preliminary Plat approval as required by this Title. Both approvals may occur concurrently.

2. Upon approval or filing of a Site Plan or Preliminary Plat for a condominium project, the developer shall submit to the city a Declaration of Condominium prepared in accordance with the requirements of the Utah Code and a Record of Survey Map (also referred to as condominium plat) meeting the requirements of the Utah Code.

3. The developer may submit a condominium plat application with the Planning Director at any time after the Site Plan or Preliminary Plat for a condominium development has been approved and all necessary fees have been paid.

4. Upon receipt of an application for a condominium plat, the Final Plat process outlined in this Chapter shall be followed.

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.

(Ord. 15-29, Ord. 14-23)

19.12.05. Performance and Warranty Assurances.

1. **Performance Assurances.**
   a. **In General.** Completion of the improvements identified in subdivision approvals, City ordinances, regulations, or standards, or a development agreement shall be guaranteed by one of the methods listed below. A separate assurance shall be required for each phase of the development identified in the development agreement or subdivision approvals. A bond agreement approved by the City Attorney shall accompany each assurance.
   b. **Types of Assurances.** The developer shall guarantee installation of subdivision improvements by posting a bond to guarantee the successful and timely completion of improvements. A separate assurance shall be required for each phase of the development. Each assurance shall be accompanied by, or included as part of, a bond agreement on a form approved and provided by the City Attorney. An assurance may be in any of the following forms:

i. Escrow account;
ii. Irrevocable standby letter of credit; or
iii. Cash deposited with City.

c. **Amount of Assurance.** Each assurance shall be in an amount equal to 115% of the City Engineer's estimated costs of the improvements. The additional 15% shall be retained by the City as payment for its overhead and administrative costs in completing the improvements and administering and enforcing the bond agreement. The bond amount and the accumulated interest, minus the amount covering the City's costs, may only be released after the City has inspected and accepted the required improvements in writing as meeting all City ordinances, regulations, standards, and approved plans.

d. **Use of Bond Proceeds; Release.** If required improvements are not completed as provided in a development or bond agreement, the City shall use as much as necessary of the bond amount to complete those improvements including reimbursement of any administrative or legal costs incurred by the City. A development agreement or bond agreement may provide for the phased release of portions of the bond proceeds as work proceeds, but at least twenty percent of the total shall be retained until all required improvements are installed, inspected, and accepted by the City in writing. Once all required improvements are installed, inspected, and accepted by the City in writing, the bond proceeds may be released so long as an amount equal to 10% of the City Engineer's estimated cost of improvements for the warranty bond as specified in subsection 3. below is retained.

e. **Guarantor/Obligor.** Other than for cash bonds deposited with the City, each guarantor or obligor of a bond must be licensed and regulated by the Department of Financial Institutions of the State of Utah or its successor, have an office in the State of Utah, and be insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund.

2. **Inspection and Acceptance of Improvements.** Required improvements shall be inspected by the City Engineer before acceptance. Such acceptance shall be in writing and shall be approved by way of a bond release by the City Manager, following submission of the developer's written request for acceptance and receipt of the City Engineer's report that all improvements have been inspected and are in compliance with City ordinances, regulations, standards, and approved plans. Fees for the inspection of required improvements shall be set in the City's adopted fee schedule.

3. **Warranty of Public and Private Improvements.** After acceptance in writing by the City, required improvements shall be guaranteed by the developer for materials and workmanship for one year, or two years if the requirements of Utah Code § 10-9a-604.5 are met.

   a. Such a warranty provision shall be included in all development agreements and bond agreements.

   b. A warranty agreement shall be submitted for approval by the City Manager and the City attorney, unless equivalent warranty provisions have been included in a performance assurance bond agreement.

   c. Enforcement of the warranty shall be assured by one of the following:

i. Retention of ten percent of the total cost of all requirement improvements to be placed in an escrow account for the duration of the warranty period;
ii. An irrevocable standby letter of credit for no less than ten percent of the cost of all required improvements for the duration of the warranty period; or
iii. An escrow account in an amount no less than ten percent of the cost of all required improvements that shall be released upon expiration of the warranty period.

d. At the conclusion of the one or two year warranty period, the City must issue a Certificate of Final Acceptance before the retained ten percent can be released.

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

19.12.06. General Subdivision Improvement Requirements.

1. **Subdivision Layout.** This Section contains general requirements regarding overall subdivision design and layout. The following provisions apply to new subdivisions:
   a. The subdivision layout should be generally consistent with the City's adopted Land Use Element of the General Plan, and shall conform to any land use ordinance, any capital facilities plan, and any impact fee facilities plan.
   b. The maximum length of blocks shall be 1,000 feet. In blocks over 800 feet in length, a dedicated public walkway through the block at approximately the center of the block will be required.
      i. Such a walkway shall not be less than fifteen feet in width unless otherwise approved by the City.
      ii. Blocks intended for commercial or industrial uses shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.
      iii. A block shall be measured from the centerline of one intersection to the centerline of the next intersection or apex of the nearest cul-de-sac. For purposes of measuring block length, an intersection may include two-way, three-way, or four-way intersections of roadways.
   c. The City will require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.
   d. Private roads may be constructed as approved as part of the Preliminary Plat approval and so long as such roads meet the same standards identified in the Saratoga Springs Standard Street Improvement Details.
   e. Where the vehicular access into a subdivision intersects an arterial road as defined in the Transportation Master Plan, driveways shall not be placed on the

intersecting road within 100' of the arterial connection as measured from edge of the arterial right of way to the nearest edge of driveway surface to avoid vehicles backing into the stacking area for the arterial and for public safety.

f. Access:
    i. Two separate means of vehicular access onto a collector or arterial road shall be required when the following threshold is met:
        1. Whenever the total number of dwelling units served by a single means of access will exceed fifty.
    ii. Exceptions: where no point of second access is available within five hundred feet (500'), and where all units are provided with an approved sprinkler system, a second access shall not be required until the number of units reaches double the above limits.
    iii. Where two means of access are required, the points of access shall be placed a minimum of 500 feet apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way. The City Fire Chief may require a greater distance than 500 feet if:
        1. an essential link exists between a legitimate governmental interest and the requirement; and
        2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.

g. Driveways:
    i. Construction: single driveways in the A, RA, and RR zones that are constructed of road base or gravel shall include a concrete apron at the entrance to the garage and at the intersection with the street, each a minimum of five feet in depth. Single driveways in all other zones, and shared driveways in all zones, shall be constructed of concrete or asphalt.
    ii. Shared driveways: shared driveways shall be a minimum of twenty-six feet in width and shall direct all runoff to a public or private drainage system. All dwellings on shared driveways shall provide enclosed garages or other covered parking. Shared driveways accessing more than four dwellings shall also provide a minimum of twenty feet of parking space between the garage and shared driveway. Shared driveways with four or fewer dwellings, if not providing a minimum of twenty feet of parking space, shall install a remote garage door opener prior to issuance of Certificate of Occupancy. All requirements of the Fire Code shall also be met.

2. **Lot Design.** The following provisions apply to new lots:
    a. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots that would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, sanitary sewer problems, driveway grades, or other physical constraints and considerations.
    b. All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.

c. Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria:
    i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots;
    ii. For subdivisions with 50 or less lots: no more than 7.5% of the total lots are allowed to be flag lots; and
    iii. For subdivision with more than 50 lots: no more than 5% of the total lots are allowed to be flag lots.
d. Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way. In no case may land dedicated for public roads and rights-of-way be included in the area calculation of any lots.
e. Side property lines shall be at approximately right angles to the street line or radial to the street line.
f. Corner lots for residential use shall be platted ten percent larger than the required minimum lot size in each zone, not including any approved lot size reductions, 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. Open space and improvements shall be provided as required under phasing in Section 19.13.
d. 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.
e. Road access must be provided as approved by the City Engineer and Fire Department.
f. Fire hydrants or alternative fire protection methods must be operational before any home construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the Building Code may also apply. Exceptions for model homes may be approved in accordance with Section 19.05.02.

(Ord. 14-23, Ord. 14-11, Ord. 14-4)

19.12.07. Minor Subdivision Approval Procedure.

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

1. **Limitations.**
   a. A Minor Subdivision is a one-time process. To ensure adequate infrastructure, lots contained in an existing recorded subdivision plat are not eligible to apply for a 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. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.

2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.

3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.

4. **Approval.** The Planning Director shall review the proposed Final Plat to determine whether it is in compliance with the City Code.

a. If the proposed plat complies, the Planning Director shall approve the plat and authorize the Mayor to sign the plat.
b. If the proposed plat fails to comply, the Planning Director shall deny the plat, or may continue the decision and return it to the developer along with a written list of deficiencies that must be corrected before the Planning Director will authorize the Mayor to sign it.
c. The Planning Director is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.

5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:
   a. application form completed and application fee paid;
   b. updated Preliminary Title Report;
      i. The Title Report must also demonstrate that the proposed minor subdivision has not been involved in any prior minor subdivision;
   c. Minor Subdivision Plats shall conform to all of the requirements for Final Subdivision Plats layouts as provided in section 19.12.03.

(Ord. 15-29, Ord. 14-23, Ord. 14-4)

19.12.08. Property Line Adjustments (Exchange of Title).

1. **Standards.** Owners may adjust property lines between adjacent parcels that are described by a metes and bounds description, 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, the Planning Director will take action on the Property Line Adjustment.

      i. The Planning Director shall determine whether the property line adjustment complies with the requirements of this section and this Title; and

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

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.

(Ord. 14-23)

19.12.09. Vacating or Amending a Subdivision Plat.

1. **Plat Amendment.** The City shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.

2. **Applicability.** Owners may petition to vacate or amend a recorded subdivision plat if the petition seeks to:
    a. join two or more of the petitioning fee owner's lots; or
    b. adjust internal lot lines between two or more of the petitioning fee owner's lots; or
    c. vacate or alter private streets, rights-of-way, easements, or alleys, or
    d. adjust internal restrictions subject to the standards of this Title and applicable conditions of approval for the original plat, or
    e. adjust the boundary of the plat to include adjacent property to one or more lots in the existing subdivision, subject to the limitations of the State Code.

3. **Standards.** Plat amendments may be approved if:
    a. no new dwelling lot or dwelling results from the plat amendment; and
    b. the number of lots or parcels does not increase; and
    c. the amendment does not result in remnant land that did not previously exist; and
    d. the amendment does not violate conditions of approval for the original plat; and

e. the amendment does not result in a violation of applicable zoning requirements; and
f. if all requirements of Utah Code Chapter 10-9a are met.

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

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

6. **Land Use Authority.**
   a. The Planning Director is hereby designated as the land use authority for all plat amendments involving only lot combinations or lot line adjustments, plat amendments required to formalize a variance that has been granted by the Hearing Examiner, and all other plat amendments and vacations that do not affect public or private roads or easements or conditions of approval.
   b. The Planning Commission is hereby designated as the land use authority for all other plat amendments and vacations that do not affect a public road.

   c. The City Council is hereby designated as the land use authority for all plat amendments and vacations that affect a public road, per Section 19.12.10.

7. **Planning Director Review.** The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above.
   a. For plat amendments where the Planning Director is the Land Use Authority, if the Planning Director determines that documents are complete the Planning Director shall take action on the application.

i. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and
ii. the Planning Director shall approve, approve with conditions, or deny the amendment.

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

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

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

(Ord. 14-23)

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

2. **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, City easements other than Public Utility Easements, or alley.

3. **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.

(Ord. 16-01)

Chapter 19.13. Development Review Processes.

Sections:

19.13.01. Purpose.
19.13.02. General Considerations.
19.13.03. Application Forms Required.
19.13.04. Specific Development Processes and Submittal Requirements.
19.13.05. The Concept Plan Process.
19.13.06. Change of Use Permits.
19.13.07 Development Agreements.
19.13.08. Improvements Required.
19.13.09. Master Development Agreements.
19.13.10. Payment in Lieu of Open Space.

19.13.01. Purpose.

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

19.13.02. General Considerations.

1. **Land Use Element of the General Plan.** The City's adopted Land Use Element of the General Plan shall guide the use and future development of all land within the corporate boundaries of the City.

2. **Municipal Code.** The size and design of lots, nature of utilities, design and improvements of streets, types and intensity of land uses, and provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the City Code, and other applicable ordinances and policies.

3. **Conservation of Natural Features.** Trees, native land cover, wetlands, natural watercourses, hillsides, and existing topography shall be preserved where possible. Development projects shall be so designed as to prevent excessive grading and scarring of the natural terrain. The design of new projects shall consider and relate to existing and future street widths, alignments, and names.

4. **Community facilities.** Community facilities, such as parks, recreation areas, and transportation facilities, shall be provided in the development project in accordance with the Land Use Element of the General Plan and the City's land use ordinances, particularly Chapter 19.04, Zoning. In order to facilitate the acquisition of land areas required to establish the creation and expansion of community facilities, the applicant

may be required to dedicate, grant easements, or otherwise reserve land for schools, parks, playgrounds, public rights-of-way, utility easements, and other public purposes.

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

(Ord. 14-23)

19.13.03. Application Forms.

1. **Application Forms Required.** Applications for permits and other procedures (appeals, Site Plans, subdivisions, variances, Master Development Plans, plat amendments, etc.) established by this ordinance shall be filed on the forms provided by the City.
    a. Applications shall be accompanied by a Master Development Plan, when required, Concept Plan, Preliminary Plat for proposed subdivisions, Site Plan for commercial or multi-family subdivisions, Condominium Plat for proposed condominiums, Final Plat, and any other applications, maps, plans, drawings, tabulations, calculations, and text needed to demonstrate compliance with the City Code and as described in this Chapter.
    b. Applicants shall pay the cost to post and mail notices to all property owners as required in this Title prior to consideration by the Land Use Authority.
    c. An application is not complete until the Planning Director acknowledges in writing that the application is complete.

2. **Application Fees.** Application fees for each type of permit and other procedures established by this ordinance shall be set by resolution of the City Council. Payment of application fees shall always precede review of the application.

3. **Permission to inspect.** The filing of an application constitutes permission for the Mayor, City Council, City Manager, Planning Commission, Hearing Examiner, or City employees to inspect the proposed development site during their consideration of the application. The City may delay consideration of any application when inclement weather or snowpack prevents a useful site inspection.

4. **Application Closure for Inactivity.** When the Planning Director determines an application is inactive, the application shall be closed after giving 30 days written notice to the applicant containing instructions on information needed to move the application forward to the next step in the approval process. An application shall be deemed inactive and subject to closure, on the basis of inactivity if, through the act or omission of the applicant and not the City, one of the following has occurred:
    a. More than twelve months have passed since the last meeting of staff and the applicant.

b. More than twelve months have passed since a request for additional information was made by staff, which request has not been complied with, or reasons of noncompliance are not stated or indicated by the applicant.
c. The applicant is more than 30 days in default of the payment of any fee assessed by ordinance.
d. The applicant has stated intent to abandon the project.
e. The applicant has declared bankruptcy or the applicant's property is in the process of foreclosure proceedings.

(Ord. 14-23, Ord. 15-21)

19.13.04. Specific Development Processes and Submittal Requirements.

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

Process and Land Use Authority ➔	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Approval
Development Type ⬇					
Change of Use Permit**	X				
Concept Plan	**X -** *Informal review only*				
Conditional Use – New Construction		X	X		X
Conditional Use – Existing Building or Site**	X				
Development Agreement (DA)					X
DA or MDA Amendment – Minor	X				
DA or MDA Amendment – Major					X
Home Occupation*	X				
Lot Line Adjustment	X				
Master Development Agreement (MDA)		X	X		X
Minor Subdivision	X				
Planned Unit Development		X	X		X
Plat, Amendment**	X				
Plat, Condominium and Final	X				
Plat, Preliminary		X	X		X
Site Plan		X	X		X
Site Plan Amendment - Minor	X				
Site Plan Amendment - Major		X		X	
Temporary Use	X				

* May be approved by staff unless staff determines Planning Commission approval is necessary based on the criteria in § 19.08.03.
** May be approved by staff unless Planning Commission or Council approval is required per §19.12 or §19.13.

2. A Neighborhood Meeting, or Neighborhood Canvas at the discretion of the applicant, is required for any multi-family or non-residential development proposal adjacent to developed property in a residential zone.
    a. Neighborhood Meeting:
        i. This meeting shall include the developer or applicant and adjacent residents within the subdivision.
        ii. If a homeowners association exists in the area, the developer or builder shall notify the HOA by mail of the meeting at least ten calendar days before the meeting.
        iii. The developer or applicant shall provide notice of the meeting by mail to each residential property within 500 feet of the property at least ten calendar days prior to the meeting.
        iv. The developer or applicant shall be required to determine the noticing area with the advice and consent of Staff.
        v. The developer or applicant must provide a proposed site plan and building elevations for review and discussion at the meeting.
        vi. The developer or applicant must provide City staff with a written record of what transpired during the meeting, as well as an attendance roll from the meeting.
        vii. The Neighborhood Meeting must take place prior to a proposed project being reviewed by the Planning Commission.
    b. Neighborhood Canvas
        i. The canvas shall include review of the proposed site plan and building elevations at each home.
        ii. Signatures, from a minimum of 51% of the property owners, verifying that they viewed the site plan and the building elevations, shall be provided to City Staff at the conclusion of the canvas.
        iii. The canvas must take place prior to a proposed project being reviewed by the Planning Commission.

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

4. Notice of Public Hearings.

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

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

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

i. If the Planning Commission is the land use authority, the Planning Commission shall make a decision to approve, approve with conditions or deny the application.
ii. If the City Council is the land use authority, the Planning Commission shall make a recommendation to the City Council on the application, unless the development process in 19.13.04 specifies otherwise.
iii. The Planning Commission may also table its decision or recommendation if it finds that the application materials are incomplete or if more information or additional research is need to determine if the requirements of the City Code or City ordinances are met.

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

8. Decision of City Council for Legislative Decisions.
    a. The City Council is the land use authority for all legislative decisions and shall conduct a public hearing, when required, or a public meeting on the proposed development application.
    b. At a public hearing, the City Council shall take testimony and decide whether to grant the application. At a public meeting, the City Council shall discuss whether to grant the application.
9. Remand.
    a. Any land use authority may remand an application to a recommending body for further review and recommendation unless a different process is specified in 19.13.04.

(Ord. 15-29, Ord. 14-23).

19.13.05. Concept Plan Process.

1. A Concept Plan application shall be submitted before the filing of an application for subdivision or Site Plan approval unless the subdivision was part of a previous Concept Plan application within the last two years and the application does not significantly deviate from the previous Concept Plan.
2. The Concept Plan review involves an informal review of the plan by the City's Development Review Committee; when accompanying a rezone application, the review also involves an informal review of the plan by the Planning Commission and City Council.
3. The developer shall receive comments from the Development Review Committee, and when accompanying a rezone application, by the Planning Commission, and City Council to guide the developer in the preparation of subsequent applications.

a. The Development Review Committee, and Planning Commission and City Council when accompanying a rezone shall not take any action on the Concept Plan review.
b. The comments of the Development Review Committee, and Planning Commission and City Council when accompanying a rezone shall not be binding, but shall only be used for information in the preparation of the development permit application.

4. The Concept Plan review is intended to provide the developer with an opportunity to receive input on a proposed development prior to incurring the costs associated with further stages of the approval process. This review does not create any vested rights to proceed with development. Developers should anticipate that the City may raise additional issues in further stages not addressed at the Concept Plan stage.
5. The following items shall be submitted with a Concept Plan application:
    a. A completed application and affidavit, form, and application fee.
    b. Plat/Parcel Map of the area available at the Utah County Surveyor's Office.
    c. Legal description of the entire proposed project.
    d. Proposed changes to existing zone boundaries, if such will be needed.
    e. Conceptual elevations and floor plans, if available.
    f. Concept Plan Map: Three full-size 24" x 36" copies of the Concept Plan as required on the application form, drawn to a scale of not more than 1" = 100' and two reductions on 11" x 17" paper, showing the following:
        i. Proposed name of subdivision, cleared with the County Recorder to ensure the name is not already in use.
        ii. Name of property if no subdivision name has been chosen. This is commonly the name in which the property is locally known.
        iii. Locations and widths of existing and proposed streets and right-of-ways.
        iv. Road centerline date including bearing, distance, and curve radius.
        v. Configuration of proposed lots with minimum and average lot sizes.
        vi. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, including acreages, locations, and percentages of each and conceptual plan of proposed recreational amenities.
        vii. Those portions of property that qualify as sensitive lands per Section 19.02.02., including acreages, locations, types, and percentages of total project area and of open space.
        viii. Total acreage of the entire tract proposed for subdivision.
        ix. General topography shown with 1'or 2' contours and slope arrows with labels.
        x. North arrow, scale, and date of drawing.
        xi. Property boundary with dimensions.
        xii. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, number of required and proposed ADA compliant parking spaces, percentage of buildable land, percentage and amount of open space or landscaping, and net density of dwellings by acre.
        xiii. Existing conditions and features within and adjacent to the project area including roads, structures, drainages, wells, septic systems, buildings, and utilities.

xiv. Conceptual utility schematic with existing and proposed utility alignments and sizes sufficient to show how property will be served including drainage, sewer, culinary and secondary water connections and any other existing or proposed utilities needed to service the proposed development or that will need to be removed or relocated as part of the project.

g. A schematic drawing of the proposed project that depicts the existing proposed transportation corridors within two miles, and the general relationship of the proposed project to the Transportation and Land Use Element of the General Plan and the surrounding area.
h. File of all submitted plans in pdf format.

(Ord. 14-23)

19.13.07. Change of Use Permit.

1. **In General.** This section is intended to provide a process for reviewing the conversion of an existing structure or site from its current or previous use to a substantially different type of activity or use.

2. A substantially different type of activity or use is a use that falls under a different category in the use tables in 19.04.

3. **Standards.** Any change of use shall meet the following criteria:
   a. The new use is an allowed use in the zone; if the new use is a conditional use in the zone, the conditional use process shall be followed.
   b. Signage and parking for the new use shall comply with all standards in place at time of conversion.
      i. If the existing use is a nonconforming use, a new use of the same type or of a type which has a lower parking requirement may be placed without additional conditions. If the new use is of a different type and has a higher parking requirement, the new parking requirements shall be met.
   c. Increased parking requirements or external changes to the site or structure for the new use shall require a site plan amendment.

4. The Planning Director shall follow the process outlined in 19.13 for decisions of the Planning Director.

(Ord. 14-23)

19.13.08 Development Agreements.

1. **In General.** Each development request, except for Home Occupations, major grading permits, and minor subdivisions, must have a development agreement and bond agreement approved by the City Attorney and City staff. The City Council may determine that a development agreement is not required, but in all cases a bond agreement shall be required. A development agreement is not required when conditions, requirements,

findings, and recommendations are all consistent with Title 19 requirements unless the City Council, in exercising its legislative authority pursuant to Utah Code § 10-9a-102, determines that a development agreement is necessary to further the public health, safety, or welfare or any other legitimate purpose outlined in Utah Code § 10-9a-102(1). The City Attorney may provide a standard form for a development agreement that includes many of the most common provisions to facilitate efficiency in the preparation and execution of development agreements.

2. **Contents of Development Agreements.** Development agreements shall, at a minimum, include the following:
    a. any condition, requirement, and finding made by the Planning Commission and City Council, including required improvements of each phase of development;
    b. a copy of the Final Plat document, record of survey or legal description, Preliminary Plat and phasing plan, or Site Plan as applicable;
    c. a description of all required improvements, including parks and trails, and an estimate by the City Engineer of their cost, unless only a bond agreement is required per Sections 19.12.05 and subsection (1) above;
    d. the following unless contained in a bond agreement under Section 19.12.05:
        i. a schedule for completion of the required improvements;
        ii. a process by which the City may, if necessary, complete required improvements using the guarantee provided;
    e. provisions defining required maintenance activities which include, but are not limited to, general upkeep of landscaping, sidewalks, streets, parks, and utility infrastructure, as well as the repair of such facilities as needed and as may be required by the City during or near the end of the maintenance period. These activities may also be specifically defined in the development agreement;
    f. a process by which the development agreement may be transferred, with City approval, to the developer's successors;
    g. a statement that provides that the development agreement and the vested rights it confers shall be void if the developer breaches the agreement.
    h. a statement that provides that in the event the developer fails to comply with the terms of the agreement, the City may withhold approval of building permits within the project;
    i. a statement that provides for dedication to the City of right-of-ways to adjacent properties and construction of temporary cul-de-sacs as needed to ensure adequate egress from stub streets;
    j. declaration of covenants and restrictions, declaration of condominium;
    k. applicable Architectural elevation plans;
    l. special conditions relating to the timing of certain improvements, lot design, performance standards, necessary off-site conditions or improvements, conditions relating to shared open space or parks, special circumstances due to location of utilities, physical characteristics of the subject property, or other conditions identified within the development agreement; and
    m. any additional requirement that the City Council deems necessary to meet the requirements of this Title and to further the purposes in Utah Code § 10-9a-102(1).

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

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

5. **Amendment**. A Development Agreement may be amended upon agreement of all parties.
    a. Minor amendment: a minor amendment is an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the City Manager after consultation with the DRC.
    b. Major amendment: a major amendment is an amendment that alters the density, intensity of use, amount of open space, or unit type, and may be approved by the City Council.

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

(Ord. 14-23)

19.13.09. Improvements Required.

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

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

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

3. **Improvement Standards.** Required improvements shall be installed in compliance with this Title, capital facilities plans, impact fee facilities plans, and standards, regulations, and ordinances passed by the City.
4. **Continuing Maintenance Required.** The continuing maintenance of any improvement required for compliance with applicable City ordinances, regulations, and standards shall be required for a period specified in any applicable development agreement or bond agreement. Failure to maintain any required improvement shall be a violation of these regulations.

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

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

7. **Developed and Landscaped Open Space Maintenance.** The maintenance of any developed or landscaped open space required for compliance with this ordinance shall include, but not be limited to: upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. All open space shall be maintained by a homeowner's association (see Section 19.13.06) if such open space is not a part of the City's capital facilities plan or impact fee facilities plan.

8. **Maintenance of Landscaping.** Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function and, as much as reasonably possible, original appearance of the landscaped area. Sufficient water rights for the maintenance of landscaped areas shall be dedicated to or purchased from the City.

9. **Phasing Improvements.** If the construction of various portions of the project is proposed to occur in stages, then the following standards shall be met.
    a. A Phasing Plan, including size and order of each phase and schedule of improvements to be installed, shall be approved by the Planning Director.
    b. Open Space improvements shall be installed with a value or acreage in proportion to the acreage developed with any given phase. The Developer may install open space in excess of the proportionate amount for each phase and bank open space credits towards later phases; however the open space installed must be a part of the open space shown in the Phasing Plan.
    c. A perpetual instrument running with the land shall be recorded against the entire project prior to or concurrently with the recordation of the first plat, that includes the standards, location, funding mechanism, values, and timing for all open space, recreational facilities, amenities, open space easements, and other improvements. An open space plat, conservation easement, development agreement, or other perpetual instrument may qualify as determined by the City Attorney.

(Ord. 14-23)

19.13.10. Master Development Agreements.

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

2. **When Required.** A Master Development Agreement shall be required of any development that is in excess of twenty acres in size if non-residential or in excess of 160 acres in size if

residential. Mixed-use developments in excess of twenty acres shall be required to submit a Master Development Plan.

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

4. **Open Space Requirements.** The amount of open space required with any Master Development Agreement application will be established in accordance with the provisions of the applicable zoning designation as set forth in Chapter 19.04 of this code.

5. **Planning Commission Action.** Upon receipt of a complete Master Development Agreement application, the Planning Director shall schedule the application for a public hearing before the Planning Commission.
    a. The Planning Commission shall conduct a public hearing and shall thereafter recommend to the City Council approval, approval with conditions, or denial of the Master Development Agreement application.
    b. The Planning Commission may also recommend modifications to a Master Development Agreement application or may table its action if the application is incomplete or if the Planning Commission determines that more information should be provided prior to making a recommendation.

6. **City Council Action.**
    a. The City Council, after a receiving a recommendation from the Planning Commission, shall review the application and shall approve, approve with conditions, or deny the application.
    b. The City Council may modify the application or table their action if the application is incomplete or if the Planning Commission determines that more information should be provided prior to taking final action.
    c. The Master Development Agreement must be executed by the parties before a rezone or General Plan amendment is granted or takes effect.

7. **Effect of the Master Development Agreement.** The Master Development Agreement, as approved, will constitute the applicant's right to develop the property in essentially the same manner as outlined in the Master Development Agreement.
    a. Generally, the Master Development Agreement shall include a request to amend the City's Land Use Element of the General Plan and Zoning Map, if necessary.
    b. The Master Development Agreement shall not grant the applicant the right to circumvent any City ordinances, policies, City Council directives, or any other procedure that is approved and practiced by the City.
    c. The applicant shall still be required to apply for subdivision approval, Site Plan review, Conditional Use approval, or other appropriate procedures as required by this Code.

8. **Additional Requirements.** A Master Development Agreement shall generally conform to the requirements found in this Chapter pertaining to the contents of a development agreement, as appropriate, as well as the following requirements:
    a. The Master Development Agreement shall establish the general land uses in the project, the total number of residential dwellings, the estimated square footage of structures used for non-residential purposes, the general off-site utility and public infrastructure required, and any general phasing for the development of the Master Development Plan area.
    b. The Master Development Agreement shall include provisions for phasing of improvements and the timing of the construction of public infrastructure.
    c. The City may enter into performance-based reimbursement arrangements, shared funding mechanisms, or other methods if and when the City's long-term capital facility needs are served by such methods in accordance with the requirements of Section 19.13.07.

9. **Amendment.** A Master Development Agreement may be amended upon agreement of all parties.
   - **a.** Minor amendment: a minor amendment is an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning Director.
   - **b.** Major amendment: a major amendment is an amendment that alters the density, intensity of use, amount of open space or unit type, and shall be approved by the City Council.

(Ord. 14-23)

19.13.10. Payment in Lieu of Open Space.

1. **Purpose.** In order to meet the City's recreational needs and to create a more attractive community, Open Space shall be dedicated to the City of Saratoga Springs in accordance with the standards provided in Chapters 19.04 and 19.07 of the Land Development Code. In cases where the City Council finds that a voluntary payment to the City in lieu of providing all of the open space required by the City's Land Development Code will better meet the City's recreational needs, the City Council may allow a developer to utilize the City's Payment in Lieu of Open Space Program as described in this Section.

2. **Payment in Lieu of Open Space Program.** The City's Payment in Lieu of Open Space Program may be utilized for developments in the R-2, R-3, and R-4 zones, or any other development in any zone containing equal to or less than four units per acre.. The percentage of open space that may be satisfied with a Payment in Lieu of Open Space shall be determined by the City Council taking into account the following:
   a. The proximity of regional parks;
   b. The size of the development;
   c. The need of the residents of the proposed subdivision for open space amenities;
   d. The density of the project;
   e. Whether the Payment in Lieu furthers the intent of the General Plan; and
   f. Whether the Payment in Lieu will result in providing open space and parks in more desirable areas.

3. **Excluded Open Space**. Specific types of open space do not qualify for this program including landscaping strips, regional trail segments, landscaping buffers, sensitive lands, landscaping in parking areas, or other types of open space that may be specifically required by City ordinances and standards.

4. **Qualification for the Program.** Developments that the developers or the planning staff believe would result in better projects and would meet the above described standards may qualify for the Payment in Lieu of Open Space Program.
   a. Such developments will be presented to the Planning Commission and City Council as part of the review process for Concept Plans or Master Development Plans. Said payments in lieu of open space shall be presented for approval in connection with preliminary and final plat approval. During that review, the Planning Commission

will make a recommendation to the City Council on the implementation of the Payment in Lieu of Open Space program.

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

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

ii. In addition, the developer shall be required to pay an amount equal to the estimated costs of water connections and water rights for the land if it were developed as open space.

iii. Before any subdivision plats are recorded, the developer shall pay to the City (a) the land value, (b) estimated cost of the open space improvements based upon an average per-square-foot cost of improvements for the six most recent City parks with the highest and lowest park removed, and (c) estimated water rights costs.

g. Upon receipt of the payment, the City shall deposit those funds in an account that has been established for the purchase of park lands, the construction of parks and recreation improvements, or for upgrading or repairing existing park facilities. The City may expend the Payment in Lieu of Open Space funds at its discretion so long as they are only used for the purchase of parks, construction of parks and recreation improvements, or for upgrading or repairing existing parks facilities.

h. The City and developer may also agree to make other arrangements for the Payment in Lieu of Open Space if acceptable terms can be reached, but in no case shall the value of the Payment be less than the expected appraised value, estimated cost of open space improvements, and estimated water costs as described herein.

6. **Voluntary Participation.**

a. This program is completely voluntary and developers who participate in it shall do so on a voluntary basis only. Written development agreements shall contain a description of the terms of this program.

b. This program is also voluntary for the City and approval of all payments in lieu of open space are made at the sole discretion of the City Council. No entitlements are granted by virtue of this Chapter and all proposals to participate in this program are subject to the total and complete review and discretion of the City Council.

(Ord. 14-23)

Chapter 19.14. Site Plan Review.

Sections:

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

19.14.01. Purpose.

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

19.14.02. Approval Required.

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

1. Any industrial use;

2. Any commercial use;

3. Any institutional use;

4. Two-Family Structures and Three-Family Structures; and

5. A multi-family residential development.

19.14.03. Site Plan Development Standards.

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

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

2. **Buffering and Screening Requirements.** Any commercial use which abuts an agricultural use shall be effectively screened by a wall and landscaping, fencing, or landscaping of acceptable design; any commercial use which abuts a residential use shall be screened per the standards of 19.06. No chain link or wood fences are permitted as buffering or screening between commercial and agricultural uses. Masonry and solid white vinyl are suggested types of fences, and as circumstances require, one or the other may be required. Unless otherwise required by this Title, walls or fences used as a buffer or screen shall not be less than six feet in height. Landscaped berms with sufficient trees may be reduced to 4-5 feet depending on specific adjacent uses. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. All developments shall have a minimum number of both deciduous and evergreen trees to provide for shade and visual relief.

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

2. **Utilities.** All utility lines shall be underground in designated easements. No pipe, conduit, cable, water line, gas, sewage, drainage, steam, electrical, or any other energy or service shall be installed or maintained upon any lot outside of any building above the surface of the ground except during construction.
    a. Transformers shall be grouped with other utility meters where possible and screened with vegetation or fencing.
    b. Each contractor and owner or developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.
    c. Prior to construction, contact must be made with Blue Stakes and any other utility company, public or private, not participating in Blue Stakes in the area to identify underground utility lines.

3. **Grading and Drainage.** Drainage from any lot must follow current City requirements to show on site retention and a maximum allowable discharge of 0.2 cubic feet per second (cfs) per acre. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot upon which the water flows has granted an easement for such purpose. The Planning Commission must approve a Site Plan with grading, drainage, and clearing

plans before any such activities may begin. Lot grading shall be kept to a minimum. Roads and development shall be designed for preservation of natural grade except as otherwise approved by the City Engineer based on standards and specifications.

4. **Secondary Water System and Dedication of Water Shares.** The applicant shall comply with the City's adopted Water Utility Ordinance and other adopted standards, regulations, and ordinances and shall dedicate to the City the amount of water specified in those adopted standards, regulations, and ordinances upon approval of the Site Plan.

5. **Piping of Irrigation Ditches.** All existing irrigation canals and ditches which are located on the site or straddle a site property line shall be piped with a sufficient size pipe and shall be approved by the City Engineer.

6. **Preliminary Condominium Plat.** When the proposed Site Plan includes condominium units, the Site Plan submittal shall include a preliminary condominium plat. Said plat shall include a survey of the property, the proposed building locations, proposed floor plans and proposed elevations identifying each building in the development. Approval of the proposed Site Plan may occur simultaneously with the approval of the proposed preliminary condominium plat.

(Ord. 16-17, Ord. 14-23)

19.14.04. Architectural and Urban Design Requirements.

1. **Process.** Architectural and Urban Design review shall be conducted by the DRC prior to the first Planning Commission or City Council meeting, whichever comes first.

2. **Mechanical Equipment**. All mechanical equipment shall be located or screened and other measures shall be taken so as to shield visibility of such equipment from any public or private streets.
    a. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or roof.
    b. Rooftops of buildings shall be free of any mechanical equipment unless completely screened from all horizontal points of view.
    c. Screening materials shall conform to the color scheme of the primary building.
    d. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the City Council.

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

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

5. **Trash Enclosures, Storage Areas, and External Structures**. Landscaping, fencing, berms, or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures.
    a. Trash and storage areas shall be comparable to the proposed or existing building and with surrounding structures. These areas shall be well maintained and oriented away from public view.
    b. The consolidation of trash areas between buildings is encouraged.
    c. The use of modern disposal and recycling techniques is encouraged.
    d. Chain link fences and chain link fencing with vinyl slats are prohibited. Solid fences and gates shall be required so as to help shield trash areas from public or private view.
    e. Where trash enclosures, storage areas, or other external structures are adjacent to parking areas, a three foot landscaped buffer shall be provided that does not impede access into and out of vehicles.
    f. This Section shall not apply to community or public recycling bins or drop boxes; however, the location shall be determined by Staff in accordance with the standards herein.

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

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

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

(Ord. 16-01, Ord. 14-23)

19.14.05. Special Provisions.

1. **Uses Within Buildings.** All uses established in any commercial, office warehouse, business park, or industrial zone shall be conducted entirely within a fully enclosed approved building except those uses deemed by the City Council to be customarily and appropriately conducted in the open.
    a. Uses which may qualify for this exception include vegetation nurseries, home improvement centers with lumber, vegetation nurseries, outdoor cafes, and auto dealerships.
    b. Outdoor display areas shall be clearly delineated through contrasting colored, painted, or striped surface.
    c. Approved temporary uses, such as Christmas tree lots, shall be exempt from this requirement.

2. **Nuisances.** All commercial uses shall be free from objectionable odors, noises, hazards, or other nuisances.

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

19.14.06. Application.

1. **Overview of application process.** The property owner or an authorized agent shall make application on a form prescribed for Site Plan Review by the City.
    a. Applicants for development approval must provide complete and accurate information regarding the specific site and the proposed use on the application.
    b. No application shall be processed until the application fee has been paid and the application has been reviewed for completeness and accepted by the City. Incomplete applications shall not be processed under any circumstance.

2. **Pre-Application conference.** Prior to a complete application, a pre-application conference shall be held between the applicant and the planning staff, once the applicant can provide the following:
    a. A site analysis meeting the requirements of 19.14.06.3 below.
    b. A site plan meeting the requirements of 19.14.06.3. below.
    c. Conceptual elevations.
    d. Vicinity map meeting the requirements of 19.14.06.3. below.

3. **Accompanying Maps, Reports, and Drawings Required.** The information submitted with the application shall include digital and paper the following:
    a. **Ownership Affidavit.** A statement of ownership and control of the subject property and a statement describing the nature of the intended use.
    b. **Vicinity Map.** A general location map indicating the approximate location of the subject parcel.
    c. **Context plan.** A context plan shall include the existing features within 200 feet of the proposed Site Plan property line. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths, and property names.
    d. **Site Analysis.** A site analysis is a plan view drawing demonstrating land constraints and existing features. Existing features may consist of the presence of boulders, existing man-made features, significant trees, canals or ditches, access points or public rights-of-way, and existing conditions within 200 feet of the property line.
    e. **Survey.** A survey prepared and stamped by a Utah registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel.
    f. **Compliance statement.** A statement indicating how the proposed development complies with the City's adopted Land Use Element of the General Plan.
    g. **Final Construction Drawings** containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide three full-size 24" x 36" copies and five 11 x 17 inch reductions as

required on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Final Construction Drawings for a Site Plan is hereby required and shall be prepared and stamped by licensed or certified professionals including architects, landscape architects, land planners, engineers, surveyors, transportation engineers, or other professionals deemed necessary by the Planning Director. The City may require plans prepared by any or all of the above-noted professionals. A Site Plan application shall also contain the following :

i. locations, dimensions, floor plans, uses and heights of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties;
ii. access points, provisions for vehicular and pedestrian circulation on and off site, interconnection to adjacent sites, dimensions of such access and circulation, and pedestrian paths within 200 feet of the property boundary;
iii. acceleration and deceleration lanes, and dimensions thereof, if required;
iv. off-street parking and loading areas complying with the City's off-street parking requirements contained in Chapter 19.09 of this Title;
v. proposed outdoor display areas;
vi. screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements;
vii. location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures;
viii. location, type, and size of all business and on-site circulation signage;
ix. tabulation of square footage devoted to various land uses, ground coverage by structures, and other impervious surfaces;
x. type of construction of all structures, presence or absence of fire sprinkling, and location of existing and proposed fire hydrants;
xi. Established Grade of building area.

h. **Final Hydraulic and Hydrological storm drainage report and calculatio**ns. location of all existing and proposed secondary irrigation systems, both on site and on adjacent properties, including ditches, pipes, and culverts;

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

i. an analysis of the average daily trips generated by the proposed project;
ii. an analysis of the distribution of trips on City street systems;
iii. a description of the type of traffic generated; and
iv. recommendations on what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents acceptable to the City.

j. **Data table** including

i. total project area
ii. total number of lots, dwellings, and buildings
iii. square footage of proposed building footprints and, if multiple stories, square footage by floor
iv. number of proposed garage parking spaces

v. number of proposed surface parking spaces
vi. percentage of buildable land
vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area
viii. area and percentage of open space or landscaping
ix. area to be dedicated as right-of-way (public and private)
x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
xi. number of off-street parking spaces (e.g., number of proposed garage parking spaces, number of proposed surface parking spaces, etc.)

k. A file of all submitted plans, documents, and reports in pdf format.

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

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

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

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

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

5. **Public Notice and Hearing.** All site plans shall comply with the noticing and public hearing requirements of Section 19.13, and applicants shall pay the cost to post and mail required notice to property owners..

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

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

8. **Site Plan Application and Approval Process.**
    a. All persons seeking Site Plan approval shall submit an application to the Planning Department for review by the City's Development Review Committee (DRC).

b. Complete engineering drawings for all on-site and off-site improvements must be provided prior to the Site Plan application being scheduled for any public meeting or hearing. The Engineering Department and Development Review Committee shall review the drawings for compliance with City ordinances, regulations, and standards.
c. New site plans shall follow the process below:
    i. Prior to being scheduled for any public meeting or hearing, the developer shall provide a soils report for the development.
    ii. Upon compliance with the Development Review Committee's recommendations, the revised application shall be forwarded to the Planning Commission for a public hearing and possible recommendation.
    iii. Upon recommendation by the Planning Commission, the application shall be forwarded to the City Council.
    iv. The City Council shall review and take action to table, approve, deny, or to modify the same.
    v. Upon action by the City Council on the Site Plan application, the City Recorder shall prepare written minutes of the decision.
d. Amended site plans shall follow the process below:
    i. Minor amendment: an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning Director.
    ii. Major amendment: an amendment that alters the density, intensity of use, amount of open space or unit type, and may be approved by the Planning Commission following a public hearing.

(Ord. 16-01, Ord. 15-29, Ord. 14-23)

19.14.07. Issuance of Building Permit.

1. **Conformity with approved plans.** Any building permit issued shall expressly require that development be undertaken and completed in conformity with the plans as approved by the City Council.

2. **Application compliance.** A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this Chapter and the approved Site Plan and written development agreement and/or bond agreement have been met.

19.14.08. Issuance of a Certificate of Occupancy.

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

19.14.09. Failure to Begin and Complete Development.

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

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

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

Chapter 19.15. Conditional Use Permit.

Sections:

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

19.15.01. Purpose.

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

19.15.02. Conditional Use Permit.

1. **Required.** A Conditional Use permit shall be required for all uses listed as a Conditional Use in the zone regulations. A Conditional Use permit may be revoked upon failure to comply with conditions precedent of the original approval of the permit or failure to comply with the City Code.

2. **Application.** Application for a Conditional Use permit shall be made by the property owner or his duly authorized agent to the Planning Department.

3. **Accompanying Data.**
    a. Applications for Conditional Uses in New or Expanded Structures and Sites shall be accompanied by:
        i. a Site Plan application and supporting materials, and
        ii. a description of the use, and
        iii. the Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.
    b. Applications for Conditional Uses in Existing Structure and Sites shall be accompanied by:
        a. a Project Plan which represents existing building siting, parking, vehicular circulation, landscaping, lighting, fencing, trash enclosures, signage, and storm drainage, and any site changes necessary for the new use.
        b. The Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably

necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.

c. **Granting of a Permit.** In considering an application for a Conditional Use permit, the Land Use Authority may deny a permit or may grant a permit subject to the requirements of this Chapter. The granting of a Conditional Use permit shall not exempt the applicant from other relevant provisions of this Chapter, other ordinances, regulations, or standards of the City, or the Utah Code.
d. **Fee.** The application for any Conditional Use permit shall be accompanied by a fee set by resolution of the City Council, and applicants shall pay the cost to post and mail public hearing notices.

(Ord. 14-23)

19.15.03. Approval Process.

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

1. Conditional Use Permit for a Use in a New or Expanded Structure or Site:
    a. Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Department shall place the Conditional Use application and related Site Plan application on the next available Planning Commission agenda for a public hearing. The Planning Commission shall review each application and make a recommendation to the City Council to approve, approve with conditions, or deny the application, or the Planning Commission may defer action if an applicant fails to appear at the public hearing or meeting or there is insufficient application information provided.
    b. The City Council is the Land Use Authority, and shall review each application at a public meeting and approve, approve with conditions, or deny the application, or may defer action if an applicant fails to appear at the public meeting or there is insufficient application information provided to determine whether City ordinances and regulations are met.

2. Conditional Use Permit for a Use in an Existing Structure or Site:
    a. Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Director shall review the application for compliance with the standards in this Title.
    b. If the application does not include external changes to the site, the Planning Director shall be the Land Use Authority and shall approve, approve with conditions, or deny the application, or may defer action if there is insufficient application information provided.
    c. If the application includes external changes to the site, a site plan amendment shall be required, the Conditional Use Permit shall follow the same process as the related site plan, and the Land use authority for the site plan shall become the Land Use Authority for the Conditional Use Permit.

(Ord. 14-23)

19.15.04. Determination.

1. The Land Use Authority may only permit a Conditional Use to be located within zone where the particular Conditional Use is listed as a Conditional Use by the use regulations of this Title.

2. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards contained in this Chapter.

3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the standards contained in this Chapter, the conditional use may be denied.

(Ord. 14-23)

19.15.05. General Standards and Considerations Governing Conditional Uses.

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

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

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

3. The compatibility of the proposed conditional use with its environment, and in particular:
    a. the number of customers or users and the suitability of the resulting activity level to the surrounding uses;
    b. hours of operation;
    c. adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.;

d. adequacy of provisions for protection of the public against any special hazards arising from the intended use;
e. the expected duration of the proposed building, whether temporary or permanent, and the setting of time limits when appropriate; and
the degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.

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

5. When necessary, the land use authority may attach conditions to ensure compatibility with the surrounding area and to mitigate harmful effects. Such conditions may include the following:
    a. additional parking;
    b. water, sewer, and garbage facilities;
    c. landscape screening to protect neighboring properties;
    d. requirements for the management and maintenance of the facilities;
    e. changes in layout or location of uses on the lot; and
    f. any other condition the land use authority finds necessary to reasonably ensure that the proposed Conditional Use will comply with the standards noted above.
6. The Land Use Authority shall make its decision based upon the facts presented for the record; expressions of support or protest alone shall not constitute the basis of approval or denial.

(Ord. 16-17, Ord. 14-23)

19.15.06. Special Standards and Considerations Governing Particular Uses.

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

1. **Automobile refueling stations and car wash operations.** As Conditional Uses, automobile refueling stations and car wash (self-serve) operations may be permitted under the following conditions:
    a. The proposed location of the Conditional Use is in accord with the Land Use Ordinance and land use zone in which the site is located.
    b. They do not break up contiguity for pedestrians of retail store frontage.
    c. They will not be a nuisance to residences and other surrounding uses.
    d. They will not cause traffic hazards or undue traffic congestion.
    e. For automobile refueling stations or free standing car washes, the lot frontage, if located on a major street, shall not be less than 125 feet.
    f. For automobile refueling stations or car wash operations with gasoline, diesel, or natural gas pumps shall have buildings of the type of construction as required in applicable building codes, and are to be located at a distance of not less than twenty-five feet from property or building setback lines, whichever is greater.
    g. Gasoline pumps and pump islands for car wash operations or automobile refueling stations shall have a canopy and the setback, measured from the edge of the canopy, shall be not less than twenty-five feet from any property lines or shall be in conformity with the building setback lines of the zone, whichever is greater.
    h. Driveway design and spacing for automobile refueling stations or car wash operations shall be reviewed by the City Engineer, whose recommendation will be forwarded to the Planning Commission.
    i. The minimum closest distance from the automobile refueling stations or car wash with gas pumps site to an existing school, park, playground, museum, or place of public assembly shall not be less than 500 feet.
    j. No outdoor storage of rental trucks or trailers, stacks of tires, or other merchandise will be provided by the automobile refueling stations or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height.

2. **Non-residential Group Day Care and Preschool Center Special Conditions.** Development or operation of a group day care or preschool center must be approved in advance by the Land Use Authority and must be found to conform to the following conditions:
    a. it must be compatible with existing and proposed land uses in the vicinity;
    b. it must receive the approval of the Utah Department of Health;
    c. it must provide off-street parking spaces on the site meeting the same requirements as commercial uses and an adequate pickup and delivery area;
    d. new construction must be compatible in design and scale of building with existing development in the area; and
    e. the site must have frontage on a street with an existing or proposed right-of-way of 66 feet, or greater, as identified on the Transportation Element of the General Plan.

3. **Residential Pre-school Special Conditions.** Approval of a residential pre-school shall also require a Home Occupation business license and shall be reviewed according to the review criteria found in Chapter 19.08. In addition, a residential pre-school shall conform to the following conditions:

a. it must receive the approval of the Utah Department of Health;
b. it must provide off-street parking spaces on the site meeting the same requirements as commercial uses and an adequate pickup and delivery area; and
c. new construction must be compatible in design and scale of building with existing development in the area.

5. **Private or Quasi-public School.** Conditional Use approval of Private or Quasi-public Schools shall only be given based on the following conditions and considerations:
    a. If the Private or Quasi-public School includes boarding facilities, the City may impose such limitations as the City believes to be in the public interest relating to the sex, age, and number of students that may be boarded or otherwise participate in the schooling and other services provided by the school. The City may also impose student-to-staff ratio requirements for the school.
    b. The number of students allowed to attend or to be boarded at a Private or Quasi-public School shall be determined based, in part, on the size of the parcel of property on which the school is to be located.
        i. The minimum property required for any Private or Quasi-public School shall be ten acres. More acreage shall be required for larger facilities as determined by the City.
        ii. Property for the Private or Quasi-public School may, with the consent of the City, be dedicated to the City for public use in lieu of remaining in the private ownership of the school. The City may allow more credit for property dedicated to the City for public use than for similar acreage remaining in private ownership.
    c. If a Private or Quasi-public School is to provide any counseling (other than educational counseling) that will require the school to obtain a license from any state or other agency (such as a license for residential treatment), the City may limit and restrict the types of counseling that the school may provide. The City may also impose limits on the students that may attend or be boarded at the Private or Quasi-public School based on the types of counseling and other services needed by the students.
    d. Since Private or Quasi-public Schools are primarily for educational purposes and not treatment or correctional purposes, the City will place restrictions on the students that may attend or be boarded at the school.
        i. The City shall not allow such schools to accept students with serious mental or behavior disorders, students with current or recent drug or alcohol problems, students that are sex offenders, or students that are having or have recently had problems with the law.
        ii. The City may provide that the school may not contract with any correctional office or agency for placement of students nor accept students placed or referred by judicial or correctional offices or agencies.
    e. The City shall impose such reporting, inspection, certification, review, and self-regulating conditions on Private or Quasi-public Schools as the City deems necessary to assure compliance with the limitations imposed by the City for its Conditional Use approval.
    f. The City may restrict the location of Private or Quasi-public School in the interest of the community. Such restrictions shall include not allowing Private or Quasi-

public Schools to be located in close proximity to similar schools and facilities or to facilities, improvements, or developments that may be negatively affected by such schools or that may create potential risks or problems for the schools.

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

(Ord. 14-23)

19.15.07. Optional Conditions.

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

1. **Conditions Relating to Safety of Persons and Property.**
    a. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
    b. The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
    c. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the zone as outlined in applicable land use ordinances.
    d. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault which may exist on the property, and limitations and restrictions on the use and location of uses due to special site conditions, including geologically hazardous areas, flood plains, fault zones, and landslides areas.
    e. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
    f. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
    g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

2. **Conditions relating to Health and Sanitation.**
    a. A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City.
    b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the Land Use Authority.
    c. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.

3. **Conditions Relating to Environmental Concerns.**
    a. Limitations and restrictions on the use and location of uses in sensitive lands.
    b. Processes for: the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
    c. The planting of ground cover or other surfacing to prevent dust and erosion.
    d. Restructuring of the land and planting of the same as directed by the Planning Commission when the Conditional Use involves cutting or filling the land, and where such land would be adversely affected if not restructured.

4. **Conditions Relating to Compliance with the Intent of the General Plan and Land Use Ordinances and Characteristics of the Vicinity or Neighborhood.**
    a. The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this Title.
    b. The screening of yards or other areas as protection from obnoxious land uses and activities.

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

(Ord. 14-23)

19.15.08. Inspection.

Following issuance of a Conditional Use permit by the Land Use Authority, the City staff shall ensure that development is undertaken and completed in compliance with the Conditional Use permit and building permit.

(Ord. 14-23)

19.15.09. Time Limit.

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

Chapter 19.16. [Reserved]

Chapter 19.17. General Plan, Ordinance, and Zoning Map Amendments.

19.17.01. Power of the Planning Commission and City Council.
19.17.02. Petition for Change.
19.17.03. Planning Commission and City Council Review.
19.17.04. Consideration of General Plan, Ordinance, or Zoning Map Amendment.

19.17.01. Power of the Planning Commission and City Council.

The Planning Commission or City Council may initiate proposals for change or modification of any Section of this Title as necessity may arise.

19.17.02. Petition for change.

Any developer or property owner wishing to develop property may initiate a change in this Title or the zoning map by submitting a petition to the Planning Director explaining the request and the reasons therefore. The petition shall be accompanied by an amendment petition fee in an amount determined by resolution of the City Council. Petitions for changes to the City's Zoning Map to all land use zones shall be accompanied by an application for Concept Plan Review or Master Development Agreement approval pursuant to Chapter 19.13 of this Code. The rezoning of specific property is not required to happen concurrently with Concept Plan Review and may occur at a later stage as part of a development agreement approval pursuant to the legislative authority of the City Council in Utah Code § 10-9a-102(1) and (2).

19.17.03. Planning Commission and City Council Review.

1. The Planning Commission shall review the petition and make its recommendations to the City Council within thirty days of the receipt of the petition.

2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.

3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.

4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

19.17.04. Consideration of General Plan, Ordinance, or Zoning Map Amendment.

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. the proposed change will conform to the Land Use Element and other provisions of the General Plan;
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

Chapter 19.18. Sign Regulations.

Sections:

19.18.01. Intent.
19.18.02. Content.
19.18.03. Definitions.
19.18.04. Prohibited Signs.
19.18.05. Signs Not Requiring A Permit.
19.18.06. Measurement Standards.
19.18.07. Residential Sign Standards.
19.18.08. Agricultural, Vacant, and Active Development.
19.18.09. Institutional Sign Standards.
19.18.10. Commercial Zone Sign Standards.
19.18.11. Industrial Zone Sign Standards.
19.18.12. Mixed Use and Mixed Waterfront Zone Sign Standards.
19.18.13. Permit Process.
19.18.14. Nonconforming Signs.

19.18.01. Intent

1. An excess of large, unregulated signage causes visual blight on the appearance of the City, may obstruct views which can distract the attention of motorists and pedestrians, may negatively impact local property values, may displace alternative land uses, and may pose other problems that legitimately call for regulation.

2. This Chapter intends to preserve and enhance the aesthetic, traffic safety, and environmental values of the city while at the same time providing ample and adequate means of communication to the public.

3. This Chapter intends to protect and promote the health, safety and general welfare of City residents and businesses by regulating the design, materials, size, construction, installation, location, and maintenance of signs and sign structures in a content neutral manner that does not favor any type of speech over another in order to achieve the following goals and objectives:

    a. Reduce potential hazards to motorists and pedestrians;
    b. Encourage signs which are integrated and harmonious to the building and sites which they occupy;
    c. To reduce or eliminate excessive and confusing sign displays;
    d. To preserve and improve the appearance of the City as a place in which to live and to work and as an attraction for nonresidents who come to visit or trade;
    e. To safeguard and enhance property values;
    f. To foster a community character that has a minimum of visual clutter.

4. This Chapter is intended to protect and enhance property values and promote the public health, safety, and general welfare of the residents of the City of Saratoga Springs.

5. It is the intention of the City of Saratoga Springs to provide a fair and consistent approval process for signage while accommodating growth and maintaining the high design standards associated with the City.

6. The purpose of this Chapter is to detail the sign permit process, provide general design standards, and define signage related terms.

7. This Chapter shall set forth standards that will assist in the elimination of confusing and excessive signs in order to preserve and improve the natural landscape, architecture of buildings, and character of the City.

(Ord. 16-04)

19.18.02. Sign Substitution.

1. A message of any type, whether commercial or noncommercial, may be substituted for any duly permitted or allowed commercial or noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent inadvertently favoring one type of speech over another.

2. Content substitution does not create a right to increase the total amount of signage on a parcel, lot, building or structure, nor does it affect the requirement that a sign structure or mounting device be properly permitted or otherwise excuse compliance with other applicable regulations contained within this Chapter with respect to the physical characteristics and location of signs.

(Ord. 16-04)

19.18.03. Definitions.

As used in this Chapter, the following words and phrases have the following meanings, unless the context clearly indicates that a contrary meaning is intended:

1. **"A-frame Sign"** means a portable sign, structure, or configuration composed of two sign faces mounted or attached back-to-back in such manner as to form a basically triangular vertical cross-section.

2. **"Abandoned Sign"** means a sign that remains after the termination of a business or use, or a sign that exhibits fading or peeling paint, missing letters, chips or cracks or damage, or other evidence of neglect for a period in excess of ninety days. Termination of a business shall include ceasing operations, failure to obtain or renew a business license

with the City, declaring bankruptcy, or failing to renew, update, or reinstate the business with the State of Utah.

3. **"Active Development"** means a property for which a subdivision, rezone, site plan, or other development application has been submitted, and which application has not expired or been closed for inactivity.

4. **"Alteration"** means the process of changing or rearranging any structural part, face, enclosure, lighting element, coloring, copy (except on electronic message signs), graphics, component, or location of a sign.

5. **"Animated Sign"** means a sign which incorporates moving, rotating, or traveling parts, including special lighting effects such as flashing or intermittent lights (excluding electronic message signs).

6. **"Awning Sign"** means a building sign that is part of a fabric, plastic, or similar shelter supported by a rigid framework attached to a building, and sheltering the building's entrance or windows.

7. **"Balloon Sign"** means a balloon or other inflated device, with or without sign copy, placed on or attached to a property, business, or use.

8. **"Banner Sign"** means a sign made of fabric, plastic, or a similar lightweight flexible cloth-like material and hung from a building or framework attached to a building or placed in the ground.

9. **"Bench Sign"** means any sign painted or located on or attached to any part of a bench, seat, or chair placed on or adjacent to a public or private roadway.

10. **"Billboard"** means a freestanding ground sign, object, or structure that is not designed or intended to direct attention to a property or part of the property where the sign is located.

11. **"Building Façade"** means any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

12. **"Cabinet Sign, Simple"** means a rectangular box with no rounded sides that houses the main component of a sign, where the sign copy area is composed of a single consistent material with lettering or copy items painted on, or affixed directly to the cabinet (see Figure 18.1).

Figure 18.1

Figure 18.2

13. **"Cabinet Sign, Complex"** means a polygonal box with at least one rounded edge that houses the main component of a sign, where the sign copy area is composed of a single material with all lettering or copy items raised at least three-quarters of an inch above the primary cabinet (see Figure 18.2).

14. **"Changeable Copy Sign"** means a sign or portion of a sign with characters, letters, graphics, or other copy that can be changed or modified by mechanical, electrical, or manual means, not including electronic messaging or Electronic Message Signs.

15. **"Channel Letter Sign"** means a sign formed of individually manufactured characters, letters, graphics, or other copy that can be changed or modified by mechanical, electronic, or manual letters grouped together to form a word, logo, or icon (see Figure 18.3).

Figure 18.3

16. **"Clearance"** means the height of the lowest edge of the face of a sign as measured from the finished grade.

17. **"Commercial Zone"** means the Regional Commercial, Neighborhood Commercial, Business Park, or Office Warehouse zone.

18. **"Commercial Zone Sign"** means any sign located on a property in a commercial zone.

19. **"Cornerstone Sign"** means a message carved or cast into a building, or a metal plaque permanently attached to a building.

20. **"Double-faced Sign"** means a sign with two parallel, identical faces or two identical sign faces that are not parallel but diverge from a common edge at an angle no greater than fifteen degrees, as shown in Figure 18.4.

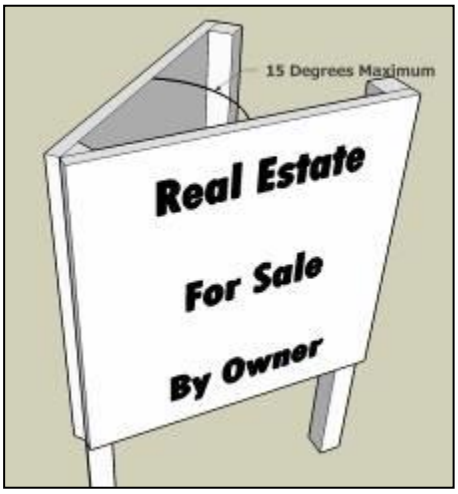


Figure 18.4

21. **"Electronic Message Sign"** means a changeable copy sign consisting of electronically controlled light sources which change the sign copy or graphics.

22. **"External Illumination"** means lighting which is mounted to illuminate a sign face from a remote position outside of the sign structure.

23. **"Flag"** means a sign that is constructed of fabric, plastic, or similar lightweight cloth-like material hung from a permanent or temporary pole, or attached to a structure, in such a manner as to allow movement of the material.

24. **"Freestanding Sign"** means a type of ground sign that is supported by any number of fixed permanent forms or supports between the sign face and the ground.

25. **"Ground Sign"** means a sign that has its own supporting structure and is not attached to or supported by a building. Types of ground signs include pedestal, pylon, and monument.

26. **"Group Identification Signs"** means a sign regarding two or more properties or uses that may share common frontage, access points, off-street parking, or loading areas.

27. **"Illuminated Sign"** means any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

28. **"Inflated Signs"** means a sign that is supported by heated or forced air or lighter-than-air-gases.

29. **"Interior Directional Signage"** means signage that is placed entirely within the boundaries of a development lot or site and situated adjacent to an internal intersection, drive-thru, or other similar feature that warrants vehicular or pedestrian directional clarification.

30. **"Monument Sign"** means a ground sign with a face that extends to the ground or to a base or pedestal.

31. **"Neon Sign"** means any sign visible to the exterior of a building that uses neon, argon, or any similar gas to illuminate transparent of translucent tubing or other materials, or any

use of neon, argon, or any similar gas lighting on or near the exterior of a building or window.

32. **"Nonconforming Sign"** means a sign that legally existed at the time that it was installed under the regulations in effect at that time, but does not conform to the current applicable regulations of the area in which it is located and has been maintained unmodified and continuously since the time the applicable regulations changed to render it nonconforming.

33. **"Painted Window Sign"** means a sign painted on windows or doors with markers, paints, or any other type of substance used to display messages.

34. **"Panel"** means a plate or other delineating feature containing sign copy within a larger sign.

35. **"Pedestal Sign"** means a freestanding ground sign with two or more vertical supports extending from the sign face to the ground.

36. **"Pennant"** means an item made of flexible materials suspended from one or more corners, used in combination with other such signs to create the impression of a line.

37. **"Permanent Sign"** means any sign that is intended to be and is so constructed to be of a lasting and enduring condition, remain unchanged in character and condition beyond normal wear and tear, and be positioned in a permanent manner fixed to the ground, wall, or building.

38. **"Pole Sign"** means a freestanding sign which is supported by a single pole mounted permanently in the ground.

39. **"Primary Entrance"** means the entrance used by the majority of visitors to a property, use, or building.

40. **"Projecting Sign"** means a sign attached to a building and extending in whole or in part beyond any wall of the building.

41. **"Pylon Sign"** means a ground sign that includes only one vertical structural support connecting the face of the sign to the ground.

42. **"Replacement"** means removal of a sign and installation of a new sign. For the purposes of this Chapter the term "replacement" does not include the temporary removal of an existing sign for repair.

43. **"Residential Property"** means property zoned for residential use, and either vacant or used for a residence.

44. **"Residential Sign"** means a sign posted on residential property by the property owner.

45. **"Roof Sign"** means a building sign that projects above the building facade.

46. **"Seasonal Sign"** means any sign used for a temporary purpose including but not limited to fireworks and produce stands.

47. **"Sign"** means any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, message, or product by any means, including the use of lettering, words, pictures, or other graphic depictions or symbols.

48. **"Sign Area"** means the area of a sign that is used for display purposes, excluding the sign structure, and as further detailed in Section 19.18 of the Land Development Code (see Item A, Figure 18.5).

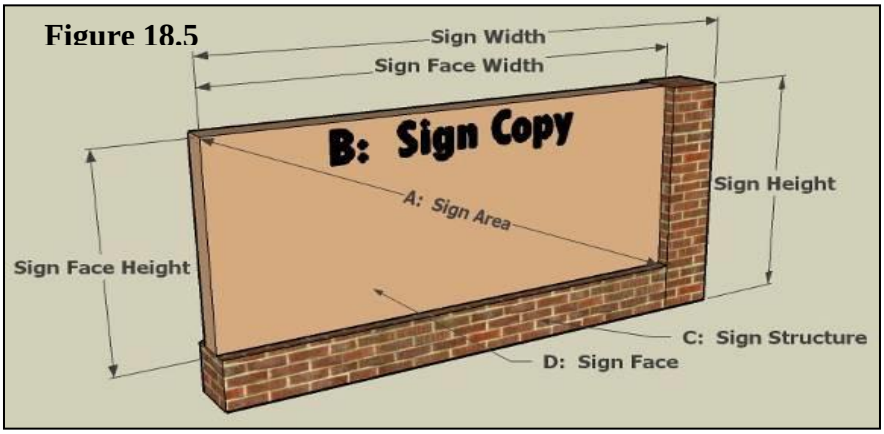


Figure 18.5

49. **"Sign Copy"** means any letter, numeral, figure, symbol, logo, or graphic element displaying the content or message of a sign. Numbers and letters displaying only the street address of a site or building are not considered sign copy (see Item B, Figure 18.5).

50. **"Sign Face"** means the portion of any sign that is or may be used for purposes of displaying a message (see Item D, Figure 18.5).

51. **"Sign Structure"** means the portion of a sign that does not contain any message but exists only for structural support or aesthetic purposes. This definition may include, but is not limited to, the supports, uprights, bracing, cables, and framework of a sign (see Item C, Figure 18.5).

52. **"Signage Plan"** means a signage plan consists of one or more scaled drawings showing the location, type, size, and design of all existing and proposed signs on a site.

53. **"Snipe Sign"** means a small sign of any material including paper, cardboard, wood, or metal which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences, or other objects.

54. **"Suspended Sign"** means a sign attached to the ceiling of an arcade or the framework of a canopy and designed to hang over a sidewalk.

55. **"Temporary Sign"** means any sign not permanently attached to the ground or a structure that is installed or placed for a limited duration.

56. **"Tenant"** means owner, lessee, or occupant of a parcel or use.

57. **"Tenant Listing Sign"** means a wall sign on a building containing multiple tenants or uses, located near the entrance and designed in such a manner as to accommodate multiple sign plates.

58. **"Traffic Control Sign"** means standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc.

59. **"Trailer Sign"** means a sign affixed to, applied, set upon, or printed on a trailer.

60. **"Vehicular Sign"** means a sign affixed to, applied, or printed on a vehicle.

61. **"Wall Sign"** means a building sign attached to the wall of a building and parallel with the wall to which it is attached.

62. **"Wind Sign"** means any propeller, fabric, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including flags as defined herein.

63. **"Window"** means any single window pane, or a series of adjacent window panes separated by twelve inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of separation.

64. **"Window Sign"** means signs, including posters, messages, or displays painted or displayed on the interior or exterior of a window or door so as to be visible from outside the building. Window sign does not include illuminated or flashing signs.

(Ord. 16-20, Ord. 16-04)

19.18.04. Prohibited Signs.

1. The following signs and any sign not otherwise authorized under the terms of this code are prohibited in the City, except as expressly permitted elsewhere in this chapter:
    a. Abandoned Signs.
    b. Animated Signs.
    c. Bench Signs other than artwork included in the bench structure.
    d. Balloon Signs.
    e. Billboards.
    f. Cabinet Signs, Simple.
    g. Electronic Message Signs.

h. Flashing signs.
i. Neon signs in residential zones.
j. Pennants.
k. Pole Signs.
l. Pylon Signs.
m. Roof Signs.
n. Snipe Signs.
o. Wind Signs.
p. Vehicle Signs parked outside of designated parking stalls, or occupying required parking for more than 50% of the operating hours.
q. Trailer Signs not affixed to a vehicle, parked outside of designated parking stalls, or occupying required parking for more than 50% of the operating hours.
r. Illuminated signs directly facing and visible to an immediately adjacent residential zone or residential development.
s. Signs not otherwise expressly permitted in this chapter.

(Ord. 16-04)

19.18.05. Signs Not Requiring a Permit.

The following signs may be placed without a permit:

1. Signs that are placed entirely within a structure or building, and cannot be viewed from outside the building.

2. Works of art that do not include or convey commercial or non-commercial speech.

3. Flags. Properties or uses in residential zones are permitted a maximum of one flag pole for any single property. A maximum of three flag poles are permitted for any single use or property in all other zones. Flags shall be attached to a house, building, foundation, or pole, shall not cross property lines, and shall not exceed the maximum size and height, as measured from established grade to the top of the flag, outlined in the table below:

Mounting Height (feet)	Maximum Flag Size (feet)
35 (or maximum structure height otherwise permitted in the zone)	5 by 9.5
30	5 by 8
25	4 by 6
20	3 by 5

4. Residential temporary signage in compliance with the residential sign standards.

5. No more than two window signs per façade of a licensed use, each not exceeding 20% of the area of the individual window in which the signs are placed.

6. A maximum of one neon sign no larger than two square feet per licensed use in a non-residential zone during regular operating hours.

7. Cornerstone signage permanently attached to the building.

8. A maximum of one A-frame sign per licensed use in a non-residential zone during regular operating hours, subject to the following limitations:
    a. The sign shall not exceed four feet in height and eight square feet in size as shown in Figure 18.6.
    b. The sign shall be placed behind the sidewalk immediately adjacent to the use. If the adjacent sidewalk is more than fifteen feet back from the edge of pavement, the sign may be placed between the curb and sidewalk, provided that the entire sign shall be no closer than fifteen feet from the curb.
    c. The sign shall not obstruct or project into the sidewalk.
        i. Exception: in instances where the sidewalk both abuts the structure and provides width beyond the minimum requirement, the A-frame sign may be placed on the sidewalk in such a manner to be outside the minimum required width and not obstruct passage of the sidewalk.
    d. The sign shall be weighted to prevent movement by wind.

Figure 18.6

9. Traffic signs that are approved by the City Engineer or highway authority and comply with the Manual on Uniform Traffic Control Devices and applicable laws, are permitted. Such traffic signs shall not be required to comply with the general sign standards listed in 19.18.06.

10. Vehicle signs in non-residential zones on vehicles parked within a designated parking space, and outside of any site visibility triangle for public safety reasons.

(Ord. 16-04)

19.18.06. General Standards.

1. Sign Design and Materials.
    a. Landscaping. The base of all Permanent Ground Signs, including without limitation Monument and Pedestal Signs, shall be landscaped and maintained at all times. The minimum landscaped area shall extend at least three feet beyond the base of the sign in all directions.

2. Sign Placement.
    a. General Location. No part of any sign shall interfere with the use of any fire escape, exit, doorway, sidewalk, roadway, stairway, door ventilator, or window. No Ground Sign shall be located within any public utility easement without review and approval by the City Engineer.
    b. Clear Sight Triangle. No sign shall be placed within the clear sight triangle as defined in Section 19.06 of this Code.
    c. Traffic Safety. No sign shall be designed or placed in any manner that may be confused with any official traffic sign or signal. No sign or other advertising structure shall be designed, constructed, or installed that by reason of its size, location, shape, coloring, or manner of illumination may be confused as a traffic control device. All Traffic Signs shall comply with the Manual on Uniform Traffic Control Devices.
    d. Right-of-way. No sign shall be located on public property or within any right-of-way unless otherwise permitted in this Chapter. In cases where a sign hangs over a public right-of-way, it shall extend no more than five feet over a public sidewalk as measured from the face of the supporting building, and shall have a minimum clearance of eight feet from the elevation of the sidewalk.
    e. Setbacks.
        i. Side and Rear Setbacks not adjacent to a sidewalk or right-of-way. All permanent and temporary ground signs shall be located a distance equal to or greater to their height from any interior side or rear property line.
        ii. Front and Street Side Setbacks and other setbacks adjacent to a sidewalk or right-of-way. All permanent and temporary ground signs, except for A-frame signs, shall be located at least three feet from the back of the sidewalk or right-of-way, whichever is greater, and from all driveways as measured from the back of the curb.

3. Sign Illumination.
    a. All sign lighting shall comply with the limitations in Section 19.11 of this Code.
    b. Individual signs shall be illuminated only by one of the following means:
        i. **External Illumination.** Signs may be illuminated by a steady, stationary light, directed solely at the sign. Light fixtures for Ground Signs shall be screened from view by site grading or evergreen shrubs and must not beam directly onto adjacent properties or rights-of-way.
        ii. **Internal Illumination.** Signs may be illuminated by an interior light of reasonable intensity with sign copy or face silhouetted on an opaque background.
    c. No illuminated signage shall face abutting residentially developed or zoned property.

4. Sign and Building Maintenance.
    a. All signs shall be maintained in good condition.
    b. When a building sign is removed, the face of the building beneath the sign shall be restored to its original pre-sign condition.

c. Those signs meeting the definition of Abandoned Sign in Section 19.18.03 shall be removed.

5. Sign Construction.
    a. Building Codes. All signs shall comply with the most recently adopted provisions of the National Electrical Code and the International Building Code, or applicable codes as adopted by the City.
    b. Engineering Required. All building permit applications for signs shall be engineered to demonstrate compliance with the applicable electrical or building code and, where required by the City Building Official, shall be accompanied by an original drawing stamped by a licensed engineer attesting to the adequacy of the proposed construction of the sign and its supports.
    c. Power Source. Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached. All electrical connections must comply with all provisions of the National Electrical Code.
    d. Foundations. All ground signs must be mounted on foundations and footings which conform to the applicable building code.

6. Monument and Pedestal Signs. See Figures 18.7, 18.8, and 18.9 for graphic illustration.
    a. Area. The area of a monument or pedestal sign shall include all parts of the sign face or sign structure that contains text or graphics.
    b. Height. The height of a monument or pedestal sign shall be measured from the highest point of the sign structure to the height of the street curb or sidewalk nearest the sign. If the sign is located more than fifteen feet from the back of curb or sidewalk, whichever is nearest, the height shall be measured from the grade at the location of the sign.
    c. Multiple Faces. Signs containing more than one display face shall be calculated as the total area of all faces, except where the interior angle between two faces is fifteen degrees or less, in which case only one display face shall be included in the calculation.
    d. Monument sign base. The base of the sign shall be a minimum of two feet in height, and shall be constructed of materials and colors that match the building or use. The base shall run the entire horizontal length of the sign and shall contain no sign copy.
    e. Pedestal sign base. At least two vertical structural supports shall be used on pedestal signs, and the open area of the sign between the supports shall occupy no more than forty percent of the vertical height of the sign.
    f. Changeable Copy. Non-digital changeable copy may be incorporated into the sign face up to a maximum of 50% of the sign area. A protective cover is required over the changeable copy.
    g. Address. Monument signs shall contain the address of the parcel or use; for multiple addresses, the sign shall contain the range of addresses for the uses. The address may be included in the sign copy, or displayed on the sign structure, and shall not be occluded by landscaping.

Figure 18.7

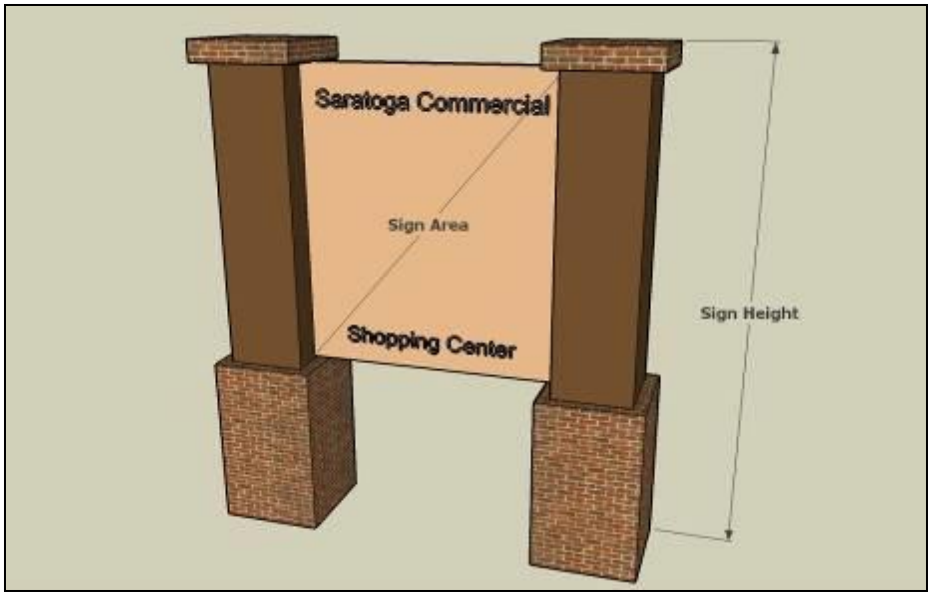


Figure 18.8

Figure 18.9

7. Building Signs.
    - **a.** Area, direct-mounted. The area of a sign consisting of text or graphics mounted directly against a wall, window, or fascia of a building and without a background shall be measured by drawing the smallest possible rectangle around the entire group of text or graphics; where there are multiple rows of text or graphics separated by a minimum of twelve inches, the area shall be measured by drawing the smallest possible rectangle around each row of text and/or graphics, as shown in Figure 18.9.
    - **b.** Area, background mounted. The area of a sign consisting of text or graphics mounted on a background panel or surface shall be measured as the area within the outside dimensions of the background panel or surface.
    - **c.** Mounting. No portion of the sign shall project above or below the highest or lowest part of the wall on which the sign is located. The sign shall not project outwards more than eighteen inches from the face of the building to which it is attached.

(Ord. 16-04)

19.18.07. Residential Sign Standards.

1. Residential Entry Feature.
    - a. In order to facilitate public safety and community identity by providing locators, residential developments are permitted to place signage at primary entrances.
    - b. Number. Each residential development is permitted one Residential Entry Feature per primary entrance into the development, and shall be located on a street frontage exceeding fifty feet in width.
    - c. Spacing. Residential Entry Signs shall be no closer than 100 feet to any other Ground Sign on the same frontage.
    - d. Height, sign. The sign portion of an Entry Feature for a residential development containing fewer than 100 dwelling units shall not exceed 7.5 feet in height; the sign portion of an Entry Feature for a residential development containing 100 or more units shall not exceed 10 feet in height.
    - e. Height, structure. Residential Entry Feature structures shall not exceed twenty feet in height.

2. Signage on a Single Family Lot.
    - a. Permanent signs: A single-family residence is permitted one sign limited to six square feet in size. Residential signs may be freestanding or mounted to a structure, and shall be located entirely upon the lot or parcel. Building mounted signs shall be placed no higher than fifteen feet or at the top of the first floor, whichever is lower; all other signs shall be a maximum of four feet in height.
    - b. Temporary signs:
        - i. An occupied single-family residence is permitted one of the following:
            1. up to two temporary signs, each limited to four feet in height and six square feet in size, for a cumulative total of six months in a calendar year, or

2. multiple temporary signs, each limited to three feet in height, with the face area of all signs limited to a cumulative total of twelve square feet, for a cumulative total of six months in a calendar year.

ii. A single-family residence that is currently for sale or actively for rent is allowed the following additional temporary signage:

1. one temporary sign, limited to five feet in height and three square feet in size, during the period for which the property is for sale or rent.

3. Multi-family Signage.

a. Building Signs.

i. Number. Each building containing four or more units, and each community building such as a clubhouse, is permitted one building sign.

ii. Size. The maximum permitted area shall be ten percent of the area of the elevation upon which the sign is mounted.

b. Temporary signs:

i. Each building in a multi-family development is permitted either of the following for a cumulative total of six months in a calendar year:

1. up to two temporary signs, each limited to four feet in height and six square feet in size, for a cumulative total of six months in a calendar year, or

2. multiple temporary signs, each limited to three feet in height, with the face area of all signs limited to a cumulative total of twelve square feet, for a cumulative total of six months in a calendar year.

ii. Each unit in a multi-family development that is currently for sale or actively for rent is allowed the following additional temporary signage:

1. one temporary sign, limited to five feet in height and three square feet in size, during the period for which the property is for sale or rent.

c. Tenant Listing Sign.

i. Number. Each building that contains multiple tenants or uses shall be limited to one sign per primary entrance to the building, and each tenant or use shall be limited to one panel.

ii. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.

iii. Size. Each panel shall be limited to a maximum of one square foot.

iv. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.

v. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.

(Ord. 16-04)

19.18.08. Agricultural, Vacant, and Active Development.

1. Regardless of zoning, parcels that are in agricultural use, are vacant, or are currently under active development, may choose to utilize the following temporary signage in lieu of the temporary signage permitted by zone.
    a. Such parcels less than one acre in size are permitted a cumulative maximum of 32 square feet of total temporary signage per parcel, either in one or multiple signs, and maximum height of eight feet per sign.
    b. Such parcels ranging in size from one acre to twenty acres are permitted a cumulative maximum of 64 square feet of total temporary signage per parcel, either in one or multiple signs, and maximum height of eight feet per sign.
    c. Parcels exceeding twenty acres in size are permitted up to a cumulative maximum of 96 square feet of total temporary signage per parcel, either in one or multiple signs, and maximum height of twelve feet per sign.

2. Duration.
    a. Temporary signage on Vacant and Agricultural parcels shall be removed after a period not to exceed 12 months.
    b. Temporary signage on parcels under active development shall be removed within 30 days of any of the following, whichever is more restrictive:
        i. Issuance of the final certificate of occupancy for residential development, or
        ii. Issuance of the certificate of occupancy for non-residential construction, or
        iii. Issuance of the final approval for non-construction development, or
        iv. The expiration or closure of the development application(s).

(Ord. 16-04)

19.18.09. Institutional/ Civic Zone Standards.

1. Schools, churches, public facilities, and other uses in the Institutional/ Civic Zone are permitted the following signage.

    a. Primary Building signs.
        i. Number. Each primary building is permitted one building sign.
        ii. Size. The primary building sign shall not exceed eight percent of the façade on which the sign or signs are mounted, or thirty square feet, whichever is larger.
        iii. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.
    b. Monument signs.
        i. Number.

i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.

ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.

iii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.

c. Pole signs.
   i. Not permitted.

d. Window and Door signs.
   i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

e. Banner Signs.
   i. Banner signs shall only be permitted on a temporary basis.
   ii. Banner signs shall not exceed four feet in height and thirty-two square feet in size.
   iii. Banner signs shall be placed in a landscaped area or on a structure, and shall not be located within the clear sight triangle identified in Chapter 19.06.
   iv. Banner signs shall be limited to a cumulative total of thirty days in a calendar year.

f. Internal Directional Signs
   i. Type: small pedestal and monument signs are the only freestanding directional signs permitted.
   ii. Location:
      i. all signs shall be located interior to the development and shall not be oriented to draw traffic from the exterior of the development.
      ii. all signs shall be located adjacent to and within ten feet of an internal intersection, or drive-thru, or similar feature needing directional clarification as identified on an approved site plan.
   iii. Height: a small pedestal or monument sign shall not exceed a height of three feet.
   iv. Size: a small pedestal or monument sign shall not exceed three square feet in size.
   v. Number: no more than two pedestal or monument signs per internal intersection, drive-thru, or similar feature.

(Ord. 16-20, Ord. 16-04)

19.18.10. Commercial Zone Sign Standards.

1. Banner Signs in all commercial zones.

a. Banner signs shall only be permitted on a temporary basis.
b. Banner signs shall not exceed four feet in height and thirty-two square feet in size.
c. Banner signs shall be placed in a landscaped area or on a structure, and shall not be located within the clear sight triangle identified in Chapter 19.06.
d. Banner signs shall be limited to a cumulative total of thirty days in a calendar year.

2. Grand Opening Signs in all commercial zones
    a. Within the first year of obtaining a first business license at a particular location for the business, a business may erect, in addition to permitted permanent signs, otherwise prohibited temporary signage at that location for a single period of time not to exceed forty-five calendar days. All temporary signage must be removed at the end of the forty-five day period. Such temporary signage includes:
        i. banners exceeding the maximum size otherwise defined in this chapter,
        ii. streamers,
        iii. pennants,
        iv. balloon signs, and
        v. wind signs.

3. Tenant Listing Signs in all commercial zones.
    a. Number. Each building that contains multiple tenants or uses shall be limited to one sign in addition to other allowed wall signage per zone per primary entrance to the building, and each tenant shall be limited to one panel.
    b. Size. Each panel shall be limited to a maximum of one square foot.
    c. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
    d. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.
    e. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.

4. Internal Directional Signs in all commercial zones
    a. Type: small pedestal and monument signs are the only freestanding directional signs permitted.
    b. Location: all signs shall be located adjacent to and within ten feet of an internal intersection, drive-thru, or similar feature needing directional clarification as identified on an approved site plan.
    c. Height: a small pedestal or monument sign shall not exceed a height of three feet.
    d. Size: a small pedestal or monument sign shall not exceed three square feet in size.
    e. Number: no more than two pedestal or monument signs per internal intersection, drive-thru, or similar feature.

5. Signage in the Neighborhood Commercial Zone.
    a. Building signs.
        i. See Regional Commercial requirements.
    b. Monument signs.
        i. Number.
            1. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
            2. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
        ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
        iii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
    c. Pedestal signs.
        i. Only internal directional signage permitted.
    d. Awning and Canopy Signs.
        i. Number. One awning or canopy may be used as signage for a tenant, in lieu of a secondary building sign.
        ii. Location and Design. Awning and Canopy signs shall be located on the first floor only, and only awnings or canopies approved as part of the site plan and located above doors or windows may be used for signage. Sign copy is only permitted on the vertical portion of the canopy; no sign copy shall be placed on the roof portion.
        iii. Size. Sign content shall not exceed twenty percent of the awning or canopy on which the sign is located, or fifteen square feet, whichever is less.
        iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the awning or canopy.
    e. Projecting and Suspended Signs.
        i. Number. Each street-level tenant is permitted one projecting or suspended sign.
        ii. Location and Design. Signs shall be located above the entrance to the use, shall not extend more than five feet from the wall to which they are attached, shall maintain clearance of six inches between the sign and the wall, and shall be a minimum of thirty feet from the nearest projecting or suspended sign.
        iii. Size. Signs shall not exceed twelve square feet in size.
        iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the sign.
    f. Window and Door signs.

i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

6. Signage in the Regional Commercial zone.
    a. Building signs.
        i. Number. Each tenant in a building is permitted one primary building sign, and two secondary signs; buildings or uses that are larger than 50,000 square feet and have more than one primary entrance may have a second primary sign.
        ii. Size, primary signage. The primary building signage shall not exceed a cumulative total size equal to eight percent of the façade on which the sign or signs are mounted, or 30 square feet, whichever is larger.
        iii. Secondary signage. Secondary signage shall not be mounted on the same façade as primary signage, and each secondary sign shall not exceed fifty percent of the size of the tenant's primary sign.
    b. Monument signs.
        i. Number, in addition to interior directional signage.
            a. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
            b. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
        ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
        iii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
    c. Pedestal signs.
        i. Number. In addition to interior directional signage, developments consisting of more than seven acres shall be permitted one pedestal sign for each major entrance into the development.
        ii. Spacing. Pedestal signs must be separated by a minimum distance of 300 feet as measured diagonally across the property, and shall be a minimum of 200 feet from any other ground sign on the same frontage.
        iii. Size. The area of the sign face shall not exceed 120 square feet.
        iv. Height. The sign shall not exceed twenty feet in height.
    d. Awning and Canopy Signs.
        i. Number.
            a. One awning or canopy attached to a building may be used as signage for a tenant, in lieu of a secondary building sign.
            b. Up to two freestanding awnings or canopies may be used for signage.
        ii. Location and Design.
            a. Building Awning and Canopy signs shall be located on the first floor only, and only awnings or canopies approved as part of the

site plan and located above doors or windows may be used for signage.

b. Signage shall only be permitted on freestanding awnings and canopies when such structures and signage are approved as part of a site plan.

c. Sign copy is only permitted on the vertical portion of the canopy; no sign copy shall be placed on the roof portion.

iii. Size.

a. Building Awning and Canopy Signs: sign content shall not exceed twenty percent of the awning or canopy on which the sign is located, or fifteen square feet, whichever is less.

b. Freestanding awnings or canopies: sign content shall not exceed ten percent of the freestanding awning or canopy on which the sign is located, or fifteen square feet, whichever is less.

iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the awning or canopy.

e. Projecting and Suspended Signs.

i. Number. Each street-level tenant is permitted one projecting or suspended sign.

ii. Location and Design. Signs shall be located above the entrance to the business, shall not extend more than five feet from the wall to which they are attached, shall maintain clearance of six inches between the sign and the wall, and shall be a minimum of thirty feet from the nearest projecting or suspended sign.

iii. Size. Signs shall not exceed twelve square feet in size.

iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the sign.

f. Window and Door signs.

i. Sign content shall not exceed twenty percent of the window or door on which the sign is located.

7. Signage in the Office Warehouse and Business Park Zones.

a. Primary Building signs.

i. Number. Each building is permitted one primary building sign.

ii. Size. The primary building sign shall not exceed eight percent of the façade on which the sign or signs are mounted, or thirty square feet, whichever is larger.

iii. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.

b. Ancillary Building signs.

i. Number. Ancillary uses within a building are permitted one building sign each, with a cumulative maximum of two such signs per any one elevation.
ii. Size. The area of the sign shall not exceed twenty-four square feet.
iii. Location. The sign shall be mounted by the nearest entrance leading to the ancillary use.
iv. Height. The sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured to the top of the sign.

c. Monument signs.
    i. Number, in addition to interior directional signage.
        i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
        ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
    i. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
    ii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.

d. Pedestal signs.
    i. Number. In addition to interior directional signage, developments consisting of more than seven acres shall be permitted one pedestal sign for each major entrance into the development.
    ii. Spacing. Pedestal signs must be separated by a minimum distance of 300 feet, as measured diagonally across the property.
    iii. Size. The area of the sign face shall not exceed 120 square feet.
    iv. Height. A pedestal sign shall not exceed twenty feet in height.

e. Window and Door signs.
    i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

(Ord. 16-20, Ord. 16-04)

19.18.11. Industrial Zone Signage.

1. Primary Building signs.
    a. Number. Each building is permitted one primary building sign.
    b. Size. The primary building sign shall not exceed eight percent of the façade on which the sign or signs are mounted, or thirty square feet, whichever is larger.
    c. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story

buildings shall be mounted no lower than the bottom of the top floor of the building.

2. Tenant Listing Sign.
    a. Number. Each building that contains multiple tenants or uses shall be limited to one sign per primary entrance to the building, and each tenant or use shall be limited to one panel.
    b. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
    c. Size. Each panel shall be limited to a maximum of one square foot.
    d. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.
    e. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.

3. Monument signs.
    a. Number, in addition to internal directional signs.
        i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
        ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
    b. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
    c. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.

4. Pedestal signs.
    a. Only internal directional signs permitted.

5. Window and Door signs.
    a. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

6. Internal Directional Signs
    a. Type small pedestal and monument signs are the only freestanding directional signs permitted.
    b. Location: all signs shall be located adjacent to and within ten feet of an internal intersection, drive-thru, or similar feature needing directional clarification as identified on an approved site plan.
    c. Height: a small pedestal or monument sign shall not exceed a height of three feet.
    d. Size: a small pedestal or monument sign shall not exceed three square feet in size.

e. Number: no more than two pedestal or monument signs per internal intersection, drive-thru, or similar feature.

(Ord. 16-20, Ord. 16-04)

19.18.12. Mixed Use and Mixed Waterfront Zone Signage.

1. Signage for commercial uses shall comply with the standards for signage in the Neighborhood Commercial zone.

2. Signage for residential uses shall comply with the standards for signage in the residential zones.

(Ord. 16-04)

19.18.13. Permit Process.

1. **Temporary Signs.** Temporary signs allowed in this chapter shall follow the permit process below:
    a. **Application.** An application shall be submitted to the Planning Director.
        i. The application shall contain:
            1. Application form.
            2. Application fee.
            3. Signature of property owner or manager, or a letter of consent from the property owner or manager.
            4. Scaled drawings of all proposed signage. Drawings must indicate dimensions, sizes, materials, and colors.
            5. Scaled site plan showing the location of proposed signage on the site.
            6. Scaled elevations showing the location of proposed signage on any building or structure.
    b. **Review.** The Planning Director shall review the application for compliance with the standards in this Chapter and other applicable ordinances.
        i. The Planning Director may approve, approve with conditions, table the decision for additional information from the applicant, or deny the application.
    c. **Approval.** All approved temporary signs shall be demarcated with a temporary sticker, provided by the City, in the bottom right-hand corner of the sign.

2. **Permanent signs.** Permanent signs allowed in this chapter shall follow the permit process below:
    d. **Application.** An application shall be submitted to the Planning Director.
        i. The application shall contain:
            1. Application form.
            2. Application fee.
            3. Signature of the property owner or manager, or a letter of consent from the property owner or.

4. Scaled drawings of all proposed signage. Drawings must indicate proposed dimensions and sizes, materials, method of illumination, colors, and any other pertinent information.
5. Scaled site plan showing the location of all proposed signage on the site.
6. Scaled elevations showing the location of proposed signage on any building or structure.

e. **Review.** The Planning Director shall review the application for compliance with the standards in this chapter and other applicable ordinances.
   i. The Planning Director may approve, approve with conditions, table the decision for additional information from the applicant, or deny the application.

(Ord. 16-04)

19.18.14. Nonconforming Signs

1. **Removal of nonconforming signs.** In order to minimize confusion and unfair competitive disadvantage to those businesses that are required to satisfy the requirements of this Chapter, the City intends to regulate existing nonconforming signs with a view to their eventual elimination.

2. **Maintenance.** Excluding normal maintenance, repair, or removal, a nonconforming sign shall not be moved, altered (including face and structural changes), or enlarged unless it is brought into complete compliance with this Chapter. The following alterations are exempt from this provision:
   a. Content changes to a previously approved sign.

(Ord. 16-04)

Chapter 19.19. [Reserved]

Chapter 19.20. [Reserved]

Chapter 19.21. Agriculture Protection Areas.

Sections:

19.21.01. Definitions.
19.21.02. Proposal for Creation of Agriculture Protection Area.
19.21.03. Area Requirements.
19.21.04. Notice Requirements.
19.21.05. Review of Proposal.
19.21.06. Public Hearing.
19.21.07. Evaluation Criteria.
19.21.08. Adding Land to an Agriculture Protection Area.
19.21.09. Removing Land from an Agriculture Protection Area.
19.21.10. Review of the Agriculture Protection Areas.

19.21.01. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings:

1. **"Advisory Board"** means the Agriculture Protection Area Advisory Board created by Utah County pursuant to Article 26-2 of the Utah County Ordinances.

2. **"Agriculture production":**
    a. means production for commercial purposes of crops, livestock, and livestock products; and
    b. includes the processing or retail marketing of any crops, livestock, and livestock products when more than fifty percent of the processed or merchandised products are produced by the farm operator.

3. **"Agriculture protection area"** means a geographic area within the municipal boundaries of the City of Saratoga Springs created under the authority of this Chapter that is granted the specific legal protection contained herein.

4. **"Crops, livestock, and livestock products"** include:
    a. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
        i. forages and sod crops;
        ii. grains and feed crops;
        iii. livestock as defined in Utah Code § 4-1-8;
        iv. trees and fruits; or v) vegetables, nursery, floral and ornamental stock, or;
    b. land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

5. **"Proposal sponsors"** means the owners of land in agricultural production who are sponsoring the proposal for creating an agriculture protection area.

6. **"State agency"** means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

19.21.02. Proposal for Creation of Agriculture Protection Area.

1. A proposal to create an agriculture protection area or an amendment to an existing agriculture protection area within the incorporated boundaries of the City of Saratoga Springs may be filed with the City Council by completing the standard forms adopted by the City Council and by filing said forms in City office.

2. To be accepted for processing by the City Council, a proposal under Subsection 1. shall be signed by a majority in number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed agriculture protection area. For the purpose of this Subsection, the owners of real property shall be determined by the records of the County Recorder.

3. The City Manager, or other person designated by the City Council to receive and process proposals, shall accept and process such forms only if they are properly completed and accompanied by the filing fee in the amount of $250.

4. The proposal shall contain the following information:
    a. the boundaries of the land proposed to become part of an agriculture protection area;
    b. any limits on the types of agriculture production to be allowed within the agriculture protection area; and
    c. for each parcel of land:
        i. the names of the owners of record of the land proposed to be included within the agriculture protection area;
        ii. the tax parcel number or account number identifying each parcel; and
        iii. the number of acres of each parcel.

5. An agriculture protection area may include within its boundaries land used for a roadway, dwelling site, or other non-agricultural use, if that land constitutes a minority of the total acreage within the agriculture protection area.

19.21.03. Area Requirements.

1. In accordance with Utah Code § 17-41-301, the minimum number of continuous acres that must be included in an agriculture protection area within the City of Saratoga Springs is hereby established at forty acres.

2. A variance to the minimum acreage requirement may be given for land which is used in intensive livestock operations or in fruit production. A variance may also be given if the acreage is contiguous to an existing agriculture protection area or contiguous to an existing or proposed agriculture protection area that is not within the City of Saratoga Springs.

3. Creation of an agriculture protection area shall not impair the ability of land within the area to obtain benefits of Utah Code § 59-2-501 -515, Farmland Assessment Act. The eligibility of land for the benefits of the Farmland Assessment Act shall be determined exclusively by the provisions of that act, notwithstanding the land's location within an agriculture protection area.

19.21.04. Notice Requirements.

1. The City Council of Saratoga Springs shall provide notice of the proposal for an agriculture protection area within the incorporated City boundaries by:
    a. publishing notice in a newspaper having a general circulation within the proposed agriculture protection area; and
    b. posting notice at five public places within or near the proposed agriculture protection area.

2. The notice shall contain:
    a. a statement that a proposal for the creation of an agriculture protection area has been filed with the City Council;
    b. a statement that the proposal will be open to public inspection in the City office;
    c. a statement that any person or entity affected by establishment of the area may, within fifteen days of the date of notice, file with the City Council written objections to the proposal or a written request to modify the proposal to exclude land from or add land to the proposed agriculture protection area;
    d. a statement that the City Council will submit the proposal to the Advisory Board and to the Planning Commission for review and recommendations; and
    e. a statement that the City Council will hold a public hearing to discuss and hear public comment on:
        i. the proposal to create the agriculture protection area;
        ii. the recommendation of the Advisory Board and Planning Commission; and
        iii. any requests for modification of the proposal and any objections to the proposal.

3. Any person wishing to modify the proposal for the creation of the agriculture protection area shall, within fifteen days after the date of the notice, file a written request for modification of the proposal, which identifies specifically the land that must be added to or removed from the proposal.

4. Any person wishing to object to the proposal for the creation of the agriculture protection area shall, within fifteen days after the date of the notice, file a written objection to the creation of the agriculture protection area.

19.21.05. Review of Proposal.

1. After fifteen days from the date of the notice, the City Council shall refer the proposal and any objections and proposed modifications to the proposal to the Advisory Board and Planning Commission for their review, comments, and recommendations.

2. Within forty-five days after the receipt of the proposal, the Planning Commission shall submit a written report to the City Council that:
    a. analyzes and evaluates the effect of creating the proposed area on the City's planning policies and objectives;
    b. analyzes and evaluates the proposal by applying the criteria contained in Section 19.21.07;
    c. recommends any modifications to the land to be included in the proposed agriculture protection area;
    d. analyzes and evaluates any objections to the proposal; and
    e. includes a recommendation to the City Council either to accept, accept and modify, or reject the proposal.

3. Within forty-five days after receipt of the proposal, the Advisory Board shall submit a written report to the City Council that:
    a. recommends any modifications to the land to be included in the proposed agriculture protection area;
    b. analyzes and evaluates the proposal by applying the criteria contained in Section 19.21.07;
    c. analyzes and evaluates any objections to the proposal; and
    d. includes a recommendation to the City Council either to accept, accept and modify, or reject the proposal.

4. The City Council shall consider a failure of the Planning Commission or Advisory Board to submit a written report within the forty-five days under Subsections 2 and 3 as a recommendation against the proposal as submitted.

19.21.06. Public Hearing.

1. After receipt of the written reports from the Advisory Board and Planning Commission, or after the forty-five days has expired, whichever is earlier, the City Council shall:
    a. schedule a public hearing;
    b. provide notice of the hearing by:
        i. publishing notice in a newspaper having general circulation within the area proposed for inclusion within the agriculture protection area; and
        ii. posting notice in five public places within or near the proposed agriculture protection area; and
    c. ensure the notice includes:
        i. the time, date, and place of the public hearing on the proposal;
        ii. a description of the proposed agriculture protection area;
        iii. any proposed modifications to the proposed agriculture protection area;

iv. a summary of the recommendations of the Advisory Board and Planning Commission; and
v. a statement that interested persons may appear at the public hearing and speak in favor or against the proposal, any proposed modifications to the proposal, or the recommendations of the Advisory Board and Planning Commission.

2. After scheduling and providing notice of the public hearing as set forth in Subsection 1, the City Council shall:
    a. convene the public hearing at the time, date, and location specified in the notice; and
    b. take verbal or written testimony from interested persons.

3. Within 120 day of receiving the submitted proposal, the City Council shall approve, modify and approve, or reject the proposal.

4. The creation of an agriculture protection area is effective at the earlier of:
    a. the City Council's approval of a proposal or modified proposal; or
    b. 120 days after submitting a proposal complying with Section 19.21.02, if the City Council has failed to approve or reject the proposal within that time.

5. In order to give constructive notice of the existence of the agriculture protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area, within ten days of creating or amending a currently existing agriculture protection area, the City Council shall file an executed document containing a legal description of the agriculture protection area with:
    a. the County Recorder; and
    b. the Planning Commission.

6. Within ten days of recording the agriculture protection area, the City Council shall send written notification to the Commissioner of Agriculture and Food that the agriculture protection area has been created or amended and include in the notification the following:
    a. the number of landowners owning land within the agriculture protection area
    b. the total acreage of the area;
    c. the date of approval of the area; and
    d. the date of record.

7. Failure by the City Council to record the notice required under Subsection 5 does not invalidate the creation of an agriculture protection area.

19.21.07. Evaluation Criteria.

In evaluating a proposal and determining whether or not to create or recommend the creation of an agriculture protection area, the Advisory Board, Planning Commission, and City Council shall apply the following criteria:

1. whether or not the land is currently being used for agriculture production;

2. whether or not the land is zoned for agriculture use;

3. whether or not the land is viable for agricultural production;

4. the extent and nature of existing or proposed farm improvements; and

5. anticipated trends in agricultural and technological conditions.

19.21.08. Adding Land to an Agriculture Protection Area.

1. Any owner may add land to an existing agriculture protection area within the incorporated area of the City of Saratoga Springs by:
    a. filing a proposal with the City Council; and
    b. obtaining the approval of the City Council for adding the land to the area.

2. The City Council shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.

19.21.09. Removing Land from an Agriculture Protection Area.

1. Any owner may remove land from an agriculture protection area within the incorporated area of the City of Saratoga Springs by filing a petition for removal of the land from the agriculture protection area with the City Council.

2. The City Council shall:
    a. grant the petition for removing land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by the City as the minimum under Section 19.21.03; and
    b. in order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised boundaries of agriculture protection area with the City of Saratoga Springs, the County Recorder, and the Planning Commission.

3. The remaining land in the agriculture protection area is still an agriculture protection area.

19.21.10. Review of the Agriculture Protection Areas.

1. The City Council shall review any agriculture protection area created under authority of this Chapter in the 20th calendar year after it is created.

2. In the 20th calendar year, the City Council shall:
    a. request the Planning Commission and Advisory Board to submit recommendations about whether to continue, modify, or terminate the agriculture protection area;
    b. at least 120 days before the end of the calendar year, hold a public hearing to discuss whether to continue, modify, or terminate the agriculture protection area;
    c. give notice of the hearing using the same procedure required by Section 19.21.04; and
    d. after the public hearing, continue, modify, or terminate the agriculture protection area.

3. If the City Council modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the County Recorder.

4. If the City County fails to affirmatively continue, modify, or terminate the agriculture protection area in the 20th calendar year, the agriculture protection area is considered to be authorized for another twenty years.

Chapter 19.22. Annexation.

Sections:

19.22.01. General Annexation Petition Requirements and Procedures.
19.22.02. Water.
19.22.03. Property Owner Initiation of Annexation.
19.22.04. Procedure for Processing Annexation Petitions.
19.22.05. Annexation Petition Review.
19.22.06. Classification of Annexed Territory.

19.22.01. General Annexation Petition Requirements and Procedures.

In accordance with Utah statutory and case law, the decision whether to annex property is an inherently legislative decision. The City Council has complete legislative discretion of whether to grant or deny an annexation petition. Should the Council choose to exercise its legislative discretion in granting an annexation petition, the following requirements shall apply:

1. Developers shall provide public improvements in accordance with City ordinances.
2. Developers shall pay all applicable impact fees, service fees, and assessments in addition to the annexation fee.
3. Developers will be subject to all other appropriate and adopted fees to offset the costs to the City.
4. The applicant will be charged for all attorneys' fees associated with review of the annexation and drafting of applicable documents.
5. Piecemeal annexation of individual small parcels of property is discouraged if contiguous parcels, soon to be developed, are available in order to avoid repetitious annexations.
6. Except as permitted in Utah Code § 10-2-401 et seq., no islands or peninsulas of another jurisdiction shall be created by the annexation.
7. Irregular boundaries should be minimized.
8. The annexation shall generally follow existing roads, property lines, easements, utilities, and power lines in order to minimize the public expense for extension of main or service lines and streets.
9. In order to facilitate the consolidation of overlapping functions of local governments, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations, and eliminate islands and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for annexation shall be drawn, where practicable and feasible, along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts, and along the boundaries of other taxing entities.

10. In order to provide for the orderly growth and development in the City and avoid confusion and undue cost to the taxpayers, all utility and service hook-ups shall be limited to incorporated areas of the City and shall not be made available outside the City limits. The only exception shall be those extensions which are made pursuant to agreement with other units of government under the Interlocal Cooperation Act or by specific approval of the City Council.
11. Utilities should be extended to annexed areas as soon as practicable after annexation. However, the City is not obligated to provide utility services to newly annexed or undeveloped property.
12. Extensions of service lines and utilities shall be charged to the property annexed rather than to the public or City and shall be planned and constructed in full compliance with City ordinances.
13. Each annexation shall require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.

19.22.02. Water.

Inasmuch as the annexation of property into the City of Saratoga Springs will ultimately require a supply of water resources within the annexed area, the owner of the annexed property will be required to demonstrate, upon development of the property, how they will provide, or purchase from the City, all water resources as required under the water ordinances of the City of Saratoga Springs.

19.22.03. Property Owner Initiation of Annexation.

When initiated by the property owner, the process for annexation shall be as follows:

1. The property owner or owners shall submit to the City a petition in the specific form provided by the City and meeting the criteria established by the state law.
2. There shall be attached to the annexation petition a full disclosure statement of how water resources shall be provided, or purchased from the City, in accordance with City ordinances.
3. There shall also be attached to the annexation petition a statement as to the anticipated timetable for development of the property to be annexed.
4. There shall also be attached to the petition a proposed development agreement for the territory proposed for annexation. The proposed development agreement shall include at least the following components:
    a. General land use plan for the area, utilizing City of Saratoga Springs land use designations.
    b. Zoning for all parcels. Where multiple zones are suggested, specific boundaries of each zone shall be designated utilizing City of Saratoga Springs zone designations.
    c. Provisions for at least the following: power; culinary water; sewer; secondary water; storm drainage; natural gas; telephone; and cable TV.

19.22.04. Procedure for Processing Annexation Petitions.

The procedure for processing annexation petitions and plats shall in accordance with Title 10, Chapter 2 of the Utah Code. Petitions shall be on forms approved by the City. Before the City will process any annexation petition, the application shall be fully completed and all adopted fees shall be paid by the applicant. The City will not accept any annexation petition unless and until the applicant has paid the applicable fees.

19.22.05. Annexation Petition Review.

Once the annexation petition has been accepted by the City as complete, including payment of all applicable fees, the procedure under Title 10, Chapter 2 of the Utah Code shall be followed.

19.22.06. Classification of Annexed Territory.

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

(Ord. 16-01, Ord. 14-4)

Chapter 19.23. Sexually Oriented Businesses.

Sections:

19.23.01. Purpose.
19.23.02. Definitions.
19.23.03. Permitted Locations and Restrictions.
19.23.04. Sign Restrictions.
19.23.05. Severability.

19.23.01. Purpose.

1. The purpose and object of this Chapter is to establish uniform and reasonable regulations to prevent the concentration of sexually oriented businesses or their locations in areas deleterious to the community, to regulate the signs of such businesses, to control the adverse effects of such signs, and to prevent inappropriate exposure to the community.

2. This ordinance by its terms is designed to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial zones, and the quality of urban life.

3. This ordinance is not designed to suppress the expression of unpopular views. This article is to be construed as a regulation of time, place, and manner of the operation of these businesses consistent with the limitations provided by the United States and Utah Constitutions.

19.23.02. Definitions.

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

1. **"Historic building or site"** means a building or site found on either the national or state historic registers, or the City register of cultural and historic resources.

2. **"Park"** means a park, playground, swimming pool, golf course, or athletic field within the City whether public or private.

3. **"Religious institution"** means a building which is used primarily for religious worship and related religious activities.

4. **"School":**
    a. means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed as such a facility either by the City or the State; and
    b. includes licensed pre-schools, day care centers, elementary schools, charter schools, junior high schools, senior high schools, or any special institution of

learning under the jurisdiction and licensing control of the State of Utah, but not including trade schools, charm schools, dancing schools, music schools, or similar limited schools, nor public or private universities or colleges.

5. **"Sexually oriented business"** means:
    a. any store, establishment, tavern, club, or theater having as more than thirty percent of its stock in trade, books, magazines, or other periodicals or video movies, films, photographs, live appearances, or performances which are distinguished or characterized by their emphasis on matters depicting, describing, or related to specific anatomical areas or specified sexual activities, as defined below; or
    b. any establishment or premises having a substantial or significant portion of its trade, the display, barter, rental, or sale of printed matter, pictures, graphics, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific anatomical areas or specified sexual activities as defined hereinafter; or
    c. any sexually oriented business premises, as defined hereafter, including adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades.

6. **"Sexually oriented business premises"** means any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment or other sexually oriented business activities on a regular basis and as a substantial part of the business operation.

7. **"Specified anatomical areas"** means any of the following:
    a. less than completely or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
    b. human male genitals in a discernibly turgid state even if completely or opaquely covered.

8. **"Specified sexual activities"** means:
    a. human genitals in a state of sexual stimulation or arousal;
    b. acts of human masturbation, sexual intercourse, or sodomy; or
    c. fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

19.23.03. Permitted Locations and Restrictions.

Sexually oriented businesses shall only be permitted in areas zoned Industrial, as defined in the Saratoga Springs Land Development Code, Section 19.04.20. Sexually oriented businesses are subject to the following additional restrictions:

1. No sexually oriented business shall be located within a 1,000 foot radius of any church, park, school, or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, or

residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school, or residential zone.

2. No sexually oriented business shall be permitted within 300 feet of any historic building or site. The distance shall be measured from the property line of the historic building or site nearest the sexually oriented business and the property line of the sexually oriented business nearest the historic building or site.

3. No sexually oriented business shall be allowed within 1,000 feet of any other sexually oriented business, measuring a straight distance from the nearest property line of the one business to the nearest property line of the other business.

19.23.04. Sign Restrictions.

Notwithstanding any contrary provision contained in Chapter 19.18 of the Land Development Code, sexually oriented business signs shall be limited as follows:

1. No more than one sign promoting or identifying the sexually oriented business shall be allowed on any sexually oriented business premises;

2. Off premise signs are prohibited;

3. No sign on the sexually oriented business premises promoting or identifying the sexually oriented business shall be allowed to exceed eighteen square feet, ten percent of facade area, or seventy percent of lineal frontage not to exceed three feet in height, whichever is smaller;

4. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises;

5. Every sexually oriented business sign shall contain alpha-numeric copy only, and no descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign;

6. Signage is limited to one wall sign, as defined in Section 19.18.02, and shall not project more than twelve inches from the wall to which it is attached;

7. Cabinet signs are prohibited;

8. Painted wall advertising or window signs shall not be allowed; and

9. Other than the wall sign specifically allowed by this Section, sexually oriented businesses shall not construct or allow to be constructed any other type of sign including those types of signs listed in Chapter 19.18 of the Land Development Code, or use any light or other device designed to draw attention to the business location.

19.23.05. Severability.

If any provision or clause of this Chapter or the application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications herein which can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Chapter are declared to be severable.

Chapter 19.24. Procedures for Reviewing Constitutional Taking Claims.

Sections:

19.24.01. Policy Considerations.
19.24.02. Definitions.
19.24.03. Guidelines Advisory.
19.24.04. Review of Decision.
19.24.05. Reviewing Guidelines.
19.24.06. Results of Review.

19.24.01. Policy Considerations.

1. There is an underlying policy in the City of Saratoga Springs strongly favoring the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the U.S. Constitution and the Utah State Constitution.

2. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking.
    a. These provisions are to assist governments in considering decisions that may involve constitutional takings.
    b. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations.
    c. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation.

3. Notwithstanding Subsections 1. and 2., the City preserves the ability to lawfully regulate real property and fulfill its other duties and functions.

19.24.02. Definitions.

1. **"Constitutional Taking"** means actions by the City involving the physical taking or exaction of private real property that might require compensation to private real property owners because of:
    a. the Fifth or Fourteenth Amendment to the Constitution of the United States;
    b. Article I, Section 22, of the Utah Constitution; or
    c. any ruling by a court with binding authority over the City with respect to the physical taking or exaction of private real property by a government entity.

2. Actions by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:

a. bears an essential nexus to legitimate governmental interests; and
b. is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

19.24.03. Guidelines Advisory.

The guidelines adopted and decisions rendered pursuant to the provisions of this Section are advisory, and shall not be construed to expand or limit the scope of the City's liability for a constitutional taking. The reviewing body or person shall not be required to make any determination under this ordinance except pursuant to Section 19.24.04.

19.24.04. Review of Decision.

Any owner of private real property who claims there has been a constitutional taking of their private real property shall request a review of the final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

1. The person requesting a review must have obtained a final and authoritative determination, internally, within the City, relative to the decision from which they are requesting review.

2. Within thirty days from the date of the final decision that gives rise to the concern that a constitutional taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision.

3. The City Council shall immediately set a time to review the decision that gave rise to the constitutional taking claim.

4. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
    a. The name of the applicant requesting review.
    b. The name and business address or current owner of the property, form of ownership, whether sole proprietorship, corporation, not-for-profit corporation, partnership, joint venture, or other, and if owned by a corporation, partnership, or joint venture, the name and address of all principal shareholders or partners.
    c. A detailed description of the grounds for the claim that there has been a constitutional taking.
    d. A detailed description of the property taken.
    e. Evidence and documentation as to the value of the property allegedly taken, including the date and cost at the date the property was acquired. This shall include any evidence of the value of that same property before and after the alleged constitutional taking and the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired.
    f. The nature of the protectable interest claimed to be affected, such as fee simple ownership, leasehold interest, etc.

g. The terms, including sale price, of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application.
h. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application.
i. The assessed value of and ad valorem taxes on the property for the previous three years.
j. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan, and other significant provisions, including the right of purchasers to assume the loan.
k. All listings of the property for sale or rent, the price asked therefore, and any offers received, all within the previous three years.
l. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning the feasibility of development or utilization of the property.
m. For income producing property, itemized income and expense statements from the property for the previous three years.
n. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
o. Such other information as may be requested by the City Council which is reasonably necessary, in its opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.

5. An application shall not be deemed to be "complete" or "submitted" until the reviewing body or official certifies to the applicant that all the materials and information required have been received by the City. The reviewing body or official shall promptly notify the applicant of any incomplete application.

6. The City Council shall hear all the evidence related to and submitted by the applicant, the City, or any other interested party.

7. A final decision on the review shall be rendered within fourteen days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission, or council that rendered the final decision that gave rise to the constitutional takings claim.

8. If the City Council fails to hear and decide the review within thirty days, the decision appealed from shall be presumed to be denied.

19.24.05. Reviewing Guidelines.

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by the City constitutes a constitutional taking as defined in this Chapter and Utah law. In doing so, they shall consider:

1. whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;

2. whether a legitimate governmental interest exists for the action taken by the City;

3. whether the property and exaction taken is roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed; and

4. applicable Utah law.

Chapter 19.25. Lake Shore Trail.

1. All Developments whose projects are adjacent to or abut Utah Lake shall provide an improved pedestrian lakeshore trail throughout the length of their project.
    a. The lakeshore trail shall at all times be accessible to the public.
    b. The developer will work with the City, and any state or federal agency whose approval is necessary, in order to determine the exact location of the lakeshore trail.
    c. It is the objective of this ordinance to construct the lakeshore trail as close to Utah Lake as reasonably possible in order for the public to enjoy the diverse ecosystem and natural resources of the area.
    d. No dwellings may be constructed between the lakeshore trail and Utah Lake.

2. In the event that a portion of the planned trail throughout a developer's project is located on property not in the possession of or under control of the developer, the developer will work with the City to identify a proper location through the developer's project on which to construct the trail.

3. The developer will work with the City to determine which party will construct the lakeshore trail throughout the developer's project.
    a. If the developer constructs the lakeshore trail throughout the developer's project, the developer may receive credit for the cost of the trail against the park impact fee that will be assessed.
    b. The lakeshore trail shall be constructed in accordance with the City's design guidelines, standards, and regulations.

4. The developer may be entitled to receive open space credit for the lakeshore trail constructed on the developer's property. If the developer constructs a portion of the lakeshore trail on property not in the possession of or under control the developer, the developer may still be entitled to receive open space credit.

5. If the City specifically agrees in writing, the lakeshore trail will be maintained by the City after the initial 1-year warranty period that is required for all improvements within a development and after the City issues a Certificate of Final Acceptance.

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 Waterfront: 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.

(Ord. 15-29)

19.26.05. Adoption and Amendment of Community Plans.

1. No property of less than 500 contiguous 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.

1. **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. contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
    c. is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
    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;
    e. is consistent with the guiding standards listed in Section 19.26.06; and
    f. contains the required elements as dictated in Section 19.26.07.

2. **Adopted Community Plans.** Adopted Community Plans shall be indicated on the Zoning Map and maintained on file in the Planning Department.

3. **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.

(Ord. 14-4)

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.

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.

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.

(Ord. 14-4)

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;
f. contains the required elements as dictated in Section 19.26.10; and
g. meets the minimum required space in adopted Community Plan, and adopted District Area Plan if applicable.

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.

(Ord. 14-4)

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 may be entered into upon District Area Plan or 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.

(Ord. 14-4)

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, playgrounds, tot lots, pathways, trails, bike paths, skate parks, pavilions, community gardens, ball fields, cemeteries, community centers, swimming pools, plazas, public squares, sport courts, dog parks, amphitheaters, fountains, water features, golf courses, theme parks, waterways, irrigation canals, drainage detention basins, park strips, planted medians, landscaping, nature preserves, wetlands, hillsides, geologically sensitive areas, viewscapes, wildlife habitat, buffers, public art, benches, and agricultural lands.
    ii. Allowable open space elements may be approved in the District Area Plan, or in subsequent Community Plans or Village Plans.

e. **Preservation of Open Space.** Open space shall be preserved and maintained through one or more mechanisms designed to preserve its future use for the purpose for which it is intended. Allowable methods of preservation include, but are not limited to:
    i. dedication of land to the City;
    ii. recordation of restrictive covenants;
    iii. granting to the City or other entity a permanent open space or conservation easement;
    iv. 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; and
    v. in the case of property belonging to school districts or other public or private entities, the establishment of long-term contractual arrangements which preserve the right of the public to use land or facilities.

f. **Capital Costs.** Nothing in this Subsection 5. shall be construed as imposing on the applicant the responsibility of assuming the capital costs of constructing open space features. The allocation of such costs shall be consistent with applicable state and federal law and any applicable City impact fee ordinance and capital facilities plan.

7. **Interim Uses.** Existing and new agricultural uses are permitted to continue prior to approval of a Village Plan for the area in which the uses occur and may continue subsequent to approval of a Village Plan if so permitted under the Village Plan. Sand and gravel operations shall be a conditional use prior to approval of a Village Plan, and thereafter to the extent required in support of development.

8. **Effect of a District Area Plan.** Approval of a District Area Plan for a Large-scale Planned Community District constitutes a legislative decision of the City Council for all purposes of land use review under Utah Law, and vests the entitlement to develop within

the Large-scale Planned Community District in accordance with the approved District Area Plan, and in accordance with the process described in this Chapter 26.

a. Such vesting shall include the right to:

i. develop the approved number of dwelling units, non-residential square footage, and equivalent residential units;

ii. develop the land uses; and

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.

Chapter 19.27. Addressing and Street Naming.

19.27.01. Purpose.
19.27.02. Procedures.
19.27.03. Street Naming.
19.27.04. Street and Property Numbering.
19.27.05. Building Identification.

19.27.01. Purpose.

This chapter is established to provide a standard system for naming streets and assigning addresses to avoid similar sounding names or confusing designators. This chapter also establishes standard procedures for changing existing street names, adding names to existing numbered streets, keeping addressing numbers clearly identifiable, and providing a complete current listing of all streets and addresses within the City.

19.27.02. Procedures.

All proposed street names shall be coordinated with City Staff to avoid duplication. The following procedures shall be adhered to with new development and proposed changing of street names:

1. **New Address (i.e. Annexation, Subdivision, Site Plan).** Street coordinates and house numbers shall be assigned by City Staff and shall be placed on the final subdivision plat by the developer before plat recordation.

2. **Duplicate Street Names.** The City Staff may change duplicated street names without a petition when it is determined that the change is related to public safety.
    a. No duplications of street names or numbers used as names within the boundaries of the city shall be approved. This includes:
        i. critical duplications, where there are identical names and street type designators on two or more streets which may or may not have overlapping frontage number ranges regardless of the directional of either the street or the frontage numbers;
        ii. common name duplications, where there are identical names on two or more streets, but with different street type designators; and
        iii. phonetic name duplications, where there are street names which have duplicate or similar pronunciations, but are spelled differently.
    b. The following criteria shall be used in eliminating street name duplications:
        i. historical significance;
        ii. the number of the buildings addressed on the street;
        iii. the length of time that the name has been in use;
        iv. the length of the street and the amount of traffic; and
        v. compatibility with adjacent street names.

3. **Changing Existing Street Names.** To change an existing street name, the process detailed in Section 19.12.10 for vacating or altering a street or alley shall be followed. If the change requested is due to a spelling error, or other human error, City Staff may correct it without a petition.

4. **Adding Names to Existing Numbered Streets.** To add a name to an existing numbered street, the process detailed in Section 19.12.10 for vacating or altering a street or alley shall be followed. Any person who petitions for a change in the name of a street or alley shall, unless the City Council for good cause otherwise directs, pay the cost of making and installing new street signs required by the name change.

5. **Changing Existing Property Numbering.** The changing of an existing property number must be in the public interest.
    a. Requests for changes based upon personal reasons, numerology, or superstition shall not be approved.
    b. Approval of requests for address changes may be made under the following circumstances:
        i. the address is out of sequence or not in reasonable juxtaposition with other addresses on the street;
        ii. the address spacing with other addresses is such that it creates confusion;
        iii. the address has an incorrect odd or even designation; or
        iv. the address conflicts with an address on a parallel street.

6. **Records Change and Notification.** When street name or number changes are approved, the City will change its records to conform to the change. Within two weeks of the erection of the new street sign, a notice will be sent by the City to all affected property owners.
    a. The City will also send notice of the change to the County.
    b. Property owners are responsible for notifying other public and private entities of the approved change. This includes, but is not limited to, the U.S. Postal Service, utility companies, and banking entities.

19.27.03. Street Naming.

The developer or builder will propose street names which will be reviewed by the city. The following standards shall be applied to the naming of streets in the City:

1. **Duplication.** No duplications of street names or numbers used as names within the boundaries of the city shall be approved. This includes:
    a. Critical Duplications, where there are identical names and street type designators on two or more streets which may or may not have overlapping frontage number ranges regardless of the directional of either the street or the frontage numbers.
    b. Common Name Duplications, where there are identical names on two or more streets, but with different street type designators.
    c. Phonetic Name Duplications, where there are street names which have duplicate or similar pronunciations, but are spelled differently.

d. Stub Streets. If a street is terminated by unimproved land and continues on the same bearing beyond the unimproved land, it may continue with the same name. Such a street is a stub street and must be required to make a connection when the unimproved land is developed.

2. **Continuity.** Proposed street names are encouraged to have the following characteristics:
   a. historic significance;
   b. local, sense of place;
   c. overall theme; and
   d. compatibility with adjacent streets.

3. **Compass Directions.** The four compass directions shall not be used as part of the street name (e.g. Eastwood) as to eliminate the occurrence of double directionals in assigning the address.

4. **Name Length.** Proposed street names shall not be longer than the typical thirteen blank space street sign, including spaces between words, but not to include the street type designator.

5. **Street Type Designations.** Proposed street names and street types shall be matched as follows:
   a. **Boulevard (Blvd), Parkway (Pkwy):** Arterials and collectors with planted medians or other physically separate medians.
   b. **Drive (Dr), Way (Wy):** Meandering, curvilinear or diagonal street usually longer than 1000 feet.
   c. **Road (Rd):** Limited streets that may run in a direction and are most always longer than 1000 feet.
   d. **Streets (St), Avenues (Ave):** Straight directional streets.
   e. **Lanes (Ln), Row:** Short collector or minor streets which are usually less than 1000 feet in length. May be used in names for private rights-of way.
   f. **Circle (Cir), Court (Ct), Place (Pl), Cove (Cv):** Permanent dead end streets or cul-de-sac streets usually less than 600 feet in length and containing three or more lots or separate dwelling structures.
   g. **Center (Cntr) and Mall:** Designations reserved for high density commercial developments with multiple structures and occupancies that can be substituted for the street type designator in an assigned address.

6. Street Signs Standards.
   a. All street sign posts shall be seven feet minimum from ground to bottom of sign.
   b. All street sign posts shall be a 2” x 2” standard galvanized post made from TeleSpar or an approved equal.
   c. All street signs shall be installed with the edge of the sign two feet from the vertical extension of the back of the curb, as near as possible to the approach curb point of curvature. Signs shall not overhang sidewalk or curb and gutter.
   d. All streets signs installed on public streets shall be green Scotchlite 8-inch sign with 6-inch lettering.

e. All street signs installed on private streets shall be blue Scotchlite 8-inch sign with 6-inch lettering.
f. All street signs shall be coated with 3M-high intensity sheeting, or an acceptable equal.
g. See also the City of Saratoga Springs Street and Regulatory Signs SG-1.

19.27.04. Street and Property Numbering.

All streets, courts, circles, private roads, buildings, dwellings, apartments, units, suites, offices, subdivision lots, parcels, properties, and businesses shall be identified according to the following standards and according to requirements of the City. All proposed site plans and preliminary plats will contain addressing grid lines and their coordinates as provided by the City. Each street, lot, unit, dwellings, or parcel in the site plan or plat shall be addressed according to the following standards:

1. All street intersections shall be addressed numerically. Street intersection numbers shall end with a “0” or a “5” and with “North,” “South,” “East,” or “West”.

2. Property addresses shall not end with a “0” or “5”.

3. Property addresses shall be odd on the south and west sides of a street.

4. Property addresses shall be even on the north and east sides of a street.

5. On streets that do not conform to the four compass directions, building numbers should be assigned from the axis that most nearly matches the principal direction of the thoroughfare.

6. Property addresses for vertical condominium, apartment, or office complexes shall be identified by a single address, and the individual units shall have a unique identifier such as suite, apartment, dwelling, or unit number.

7. Building numbers should be comparable, but not duplicated, on parallel streets and should be in consecutive order.

8. Building numbers should be assigned to opposite sides of the street as determined under the City grid system.

9. Dual addresses on corner lots will be assigned. At Building Permit issuance, one address shall be permanently assigned.

10. Buildings that are hidden behind other buildings or do not have public frontage, shall be numbered from the centerline of the principal access or driveway.

11. City staff shall assign numbers to site plans before final site plan approval, based on the above standards.

19.27.05. Building Identification.

All buildings shall have approved address numbers, and such numbers shall be identified using the following standards:

1. **Background.** Numbers shall be set on a background of a contrasting color.

2. **Size.** Residential building numbers shall be at least four inch tall block letters. All building numbers shall be of sufficient size so as to be legible from the street or private road. Non-residential buildings shall use Arabic numbers or alphabetic letters that are a minimum four inches high with a minimum stroke width of 0.5 inch, installed on a contrasting background and be plainly visible from the street or road fronting the property.

3. **Visibility.** Numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property. When a building is a distance greater than the required setback from a street or when view of the building is blocked by trees or shrubs, numbers shall be displayed on a sign attached to a fence, gate, street mailbox, or lawn stake, in addition to being placed on the building.
    a. Multi-family structures, commercial, office, or institutional building numbers shall be placed in a prominent location at the main entrance of such buildings.
    b. Interior suites, apartments, units, or offices shall be clearly identified in a logical numeric or alphabetic sequence.