

**CITY OF SARATOGA SPRINGS  
CITY COUNCIL MEETING**

Tuesday, October 21, 2014

Meeting held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**CITY COUNCIL AGENDA**

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.

**POLICY SESSION- Commencing at 7:00 p.m.**

- Call to Order.
- Roll Call.
- Invocation / Reverence.
- Pledge of Allegiance.
- Awards, Recognitions and Introduction.
- Public Input - Time has been set aside for the public to express ideas, concerns, and comments. Please limit repetitive comments.

**POLICY ITEMS**

1. Consent Calendar:
  - a. Change Order for Well #2 Chlorination system.
  - b. Conditional Use and Site Plan for Vista Heights located at 612 West Pony Express Parkway, Evans & Associates Architects, applicant.
  - c. Approval of Minutes:
    - i. October 7, 2014.
2. Departmental Update from the Finance Department.
3. Public Hearing: Budget Amendments to the City of Saratoga Springs Budget for Fiscal Year 2014-2015.
  - a. Resolution R14-45 (10-21-14): A resolution amending the City of Saratoga Springs Budget for Fiscal Year 2014-2015.
4. Resolution R14-46 (10-21-14): A resolution authorizing the City of Saratoga Springs to join the Utah County Storm Water Coalition and approving the adoption of an Interlocal Agreement with Utah County, Provo, Orem, Pleasant Grove, American Fork, Springville, Spanish Fork, Lehi, Payson, Lindon, Highland, Alpine, Mapleton, Salem, Cedar Hills and Eagle Mountain.
5. Revisions to the Site Plan Amendments to Westgate Shops B (Café Rio) located at 1513 North Redwood Road, Amsource Development, applicant.
6. Continued Public Hearing: Revisions to Title 19 of the City of Saratoga Springs Land Development Code.
  - a. Ordinance 14-23 (10-21-14): An Ordinance of the City of Saratoga Springs, Utah, adopting amendments to the Saratoga Springs Land Development Code and establishing an effective date.
7. Continued Decision on the Rezone for Sail House located at 4500 South Redwood Road, Josh Romney and Paul Linford, applicant.
  - a. Ordinance 14-24 (10-21-14): An Ordinance of the City of Saratoga Springs, Utah, adopting amendments to the City of Saratoga Springs' Official Zoning Map for certain real property (Sail House); instructing the City staff to amend the City Zoning Map and other official zoning records of the City; and establishing an effective date.
8. Preliminary Plat for Sail House located at 4500 South Redwood Road, Josh Romney and Paul Linford, applicant.
9. Continued from Work Session- Engineering Updates:
  - a. Discussion of Fiber Optic and Conduit trade with Avative.
  - b. Discussion of an Easement Agreement with Richard Chiu for Market Street Storm Drain Outfall.
  - c. Discussion of water master plans.
  - d. Discussion of the Storm Water Permit Code.
10. Motion to enter into closed session to discuss the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual and deployment of security personnel, devices, and systems.
11. Adjournment.

**Notice to those in attendance:**

- Please be respectful to others and refrain from disruptions during the meeting.
- Please refrain from conversing with others as the microphones are sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (e.g., applauding or booing).
- Please silence all cell phones, tablets, beepers, pagers, or other noise making devices.
- Refrain from congregating near the doors to talk as it can be noisy and disruptive.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.

# City Council Staff Report

**Author:** Jeremy D. Lapin, P.E., City Engineer  
**Subject:** Chlorination room Addition for Well #2  
**Date:** October 21, 2014  
**Type of Item:** Change Order



## **Description:**

### **A. Topic:**

This item is for the approval of a change order to the existing contract with Pro Industrial Services in the amount of \$55,250 to install a gas chlorination system on Culinary Well #2.

### **B. Background:**

On September 4, 2014, the City Council awarded the installation of a gas chlorination system at well #3 to Pro Industrial Services in the amount of \$49,318. There is a budgeted project this fiscal year to add a gas chlorination system to Well #2 under GL # 51-5100-652.

### **C. Analysis:**

Staff discussed the option of adding the Well #2 chlorination project to the existing Pro Industrial Services contract with the City Council at their work session in September. It was discussed that combining the projects would save both construction costs and time as new contract documents would not be required and the project would not need to be put out to bid again. Given that the previous bid for well #3 was so recent, and that the contractor is already mobilized in the area, staff felt confident Pro Industrial services' bid was still representative of the lowest qualified price. Pro Industrial Services has submitted a proposed Change Order for \$55,250 which includes the same items as was included in the previous bid along with the addition of a new roof and skylight on the existing well #2 building.

## **Recommendation:**

Staff recommends that the City Council approve an amendment to the contract with Pro Industrial Services for the Well #2 Chlorination in the amount of \$55,250



1321 S. Earl Dr. Ste A Office: (801) 972-7086  
Salt Lake City, UT 84104 Cell: (801) 870-1020

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Proposal Submitted to: City of Saratoga Springs

Date: 10/13/2014

Job Name: Change order addition to Chlorination Well #2

Scope of Work:

Item #1 Mobilization Unit cost: \$1900.00

Item#2 8'x8' addition Unit cost: \$43,018.00

Item#3 Install city supplied equipment Unit Cost: \$3500.00

Item #4 change orders Unit Cost : \$6832.00

- Removal of 6 inch thick, 60 square foot concrete pad
- Installation of a new 18 square foot removable skylight
- Reroofing the existing pump house with steel sheeting to match the addition

Proposal Total: \$55,250.00

Pro Industrial Services respectfully submits this proposal for approval.

Prepared By:

M.J.Maloney  
Project Superintendent  
Pro Industrial Services



**Site Plan and Conditional Use  
Vista Heights (LDS Church Building)  
October 21, 2014  
Public Meeting**

Report Date:	October 14, 2014
Applicant/Owner:	Evans and Associates Architecture
Location:	612 West Pony Express Parkway
Major Street Access:	Pony Express Parkway
Parcel Number(s) & Size:	66:300:0009 (~4.59 acres)
Parcel Zoning:	R-3, Low Density Residential
Adjacent Zoning:	A, PC
Current Use of Parcel:	Vacant
Adjacent Uses:	Middle School, Agricultural
Previous Meetings:	Minor Subdivision review by PC, 6-12-11 Concept Plan review by PC, 6-12-14 Concept Plan review by CC, 7-1-14 Site Plan and Conditional Use Review by PC, 9-25-14
Previous Approvals:	Minor Subdivision approved by CC, 7-5-11
Land Use Authority:	City Council
Future Routing:	None
Author:	Sarah Carroll, Senior Planner

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**A. Executive Summary:**

This is a request for review of a Site Plan and Conditional Use Permit for the Vista Heights Stake Center, located at 612 West Pony Express Parkway. The site includes a church building, a pavilion, a storage building, and associated parking and landscaping.

**Recommendation:**

**Staff recommends that the City Council conduct a public meeting, take public comment and discuss the proposed Site Plan and Conditional Use, and choose from the options in Section "H" of this report.** Options include approval with conditions, continuing the application, or denial.

**B. Background:**

The Concept plan was reviewed by the Planning Commission on June 12, 2014 and by the City Council on July 1, 2014. Recommendations made at those meetings included:

- o Use the City standard light poles and fixtures in the parking lots
- o Move the main access points further apart
- o Stub a connection within the parking lot to the east, to provide cross access between sites.

- The Planning Commissioners were generally supportive of the requested reduction in sod. One Commissioner did not support it to the extent requested.
- The City Council was generally supportive of the reduction of sod because of the increase in plant materials.
- Trees were recommended in some of the grass areas to create shade when Sunday school classes come outside.

Minutes from those meetings are attached. Some of the recommendations were incorporated into the site plan; the City standard lighting is shown, and one of the access points was shifted to the west. The applicant was not able to provide a stub to the east because there will be a six foot tall retaining wall along the east property line. Trees were not added to the grass areas.

**C. Specific Request:**

This is a request for site plan and conditional use permit approval of a proposed LDS church to be located at 612 West Pony Express Parkway.

**D. Process:**

Section 19.13.04 of the City Code states that Site Plans and Conditional Uses require City Council approval after the Planning Commission holds a public hearing and forwards a recommendation. The City Code also requires that an applicant hold a neighborhood meeting for any non-residential development proposal adjacent to developed property in a residential zone. This project is not adjacent to developed property in a residential zone.

**E. Community Review:**

Per 19.13.04 of the City Code, this item has been noticed in *The Daily Herald*, and each property owner within 300 feet of the subject property was sent a letter at least ten calendar days prior to this meeting. As of the completion of this report, no public comment has been received.

**Planning Commission Review:**

The Planning Commission reviewed the site plan and conditional use applications on September 25, 2014 and recommended approval with conditions. Minutes from that meeting are attached.

**F. General Plan:**

The General Plan designates this area for Institutional/Civic development and states "Activities in the institutional areas will vary greatly and shall include schools, libraries, hospitals, public buildings or facilities and other land-uses that provide essential services to the general public."

**Finding: consistent.** The proposed use is a church building which will offer religious services to the general public.

**G. Code Criteria:**

The requirements for the R-3 zone are outlined in Section 19.04.13. The parking requirements are in Chapter 19.09. The Site Plan requirements are in Chapter 19.14, and the Conditional Use standards are in Chapter 19.15. Pertinent sections of these Chapters and sections are reviewed below.

**Permitted or Conditional Uses: complies.** Section 19.04.13(2 & 3) lists all of the permitted and conditional uses allowed in the R-3 zone. Churches are a conditional use in the R-3 zone. The conditional use standards are reviewed later in this report.

**Minimum Lot Sizes: complies.** 19.04.13(4) states that the minimum lot size for non-residential uses is one acre. The subject property is 4.59 acres. Some of the property will be dedicated towards the Pony Express Parkway right of way, but this will not result in a lot that is less than one acre in size.

**Setbacks and Yard Requirements: complies.** Section 19.04.13(5) outlines the setbacks required by the R-3 zone. These requirements are:

**Front:** Not less than twenty-five feet.  
**Sides:** 8/20 feet (minimum/combined)  
**Rear:** Not less than twenty-five feet  
**Corner:** Front 25 feet; Side abutting street 20 feet

The setbacks indicated on the plans exceed these requirements.

**Parking: complies.** Section 19.09.11 outlines the parking requirements for churches and requires one stall per three seats, but allows this requirement to be exceeded by more than 25%. The chapel includes 286 seats, requiring 96 parking stalls. 261 parking stalls are provided, exceeding the requirement.

**Fencing: complies.** Section 19.06.09 requires fencing along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties. On Sheet C4.11, notes 12 and 13 are related to fencing and indicate that the chain link fence on the east property line will remain, and the chain link fence on the north and west property lines will be replaced with a six foot tall vinyl privacy fence; thus, meeting the requirement for fencing adjacent to undeveloped properties.

**Trash storage: complies.** Section 19.14.04 requires trash storage areas to be comparable with the proposed building and surrounding structures. Sheet C5.21 includes details for the dumpster enclosure and it meets these requirements.

**Open Space: complies.** The City Code requires a minimum 15% open space. This church will be serving nearby residents and park space has already been provided within the nearby developments. The proposed plans indicate 37% of the site will be landscaped.

**Sensitive Lands: complies.** No sensitive lands exist on the site.

**Landscaping: up for discussion.** The landscape plans indicate 69,024 square feet of landscaping which requires 28 deciduous trees at 2.5" caliper, 23 evergreen trees at 6 feet in height, 89 shrubs, and 50% turf. The code states "The City Council shall have the authority to adjust these standards as circumstances dictate."

The applicant is requesting the sod requirement be reduced to 33% sod for this site. In exchange for this reduction they are willing to exceed all of the plant count requirements and are proposing: 99 deciduous trees at 2.5" caliper, 25 evergreen trees at 7'-8' height, 630 five-gallon shrubs, 70 perennial plants and 78 grasses.

**Landscaping in Parking Areas: can comply.** Section 19.09.08 requires a 10 foot berm between parking areas and the public street, a landscape island every 10 stalls, and landscape boundary strips of eight feet.

The grading plans do not indicate a berm in the landscaping between the public right of way and the parking stalls. This has been added as a condition of approval in Section "I" of this report. There are landscape islands every 10 stalls. The landscape boundary strips exceed eight feet on all sides.

**Lighting: complies.** Section 19.14.04(7)(iii) states "All streetlights and interior parking lot lights shall meet the City's adopted design standards for lighting." The plans indicate City standard lighting.

**Access: up for discussion.** This type of development requires two points of access to meet Fire Code Requirements. However, the access locations do not meet access spacing requirements for full-movement accesses on Arterial roadways (see Engineering report). The City reserves the right to construct an island in the Center of Pony Express Parkway in the future, which could reduce one of the access points to right in/right out movements only. In order address concerns over spacing that were expressed during the concept plan review, the applicant increased the distance between the access points.

**Conditional Use Review:**

**19.15.04. Determination.**

1. The Planning Commission may only permit a Conditional Use to be located within a 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.

**Finding: complies.** The proposed church is located in the R-3 zone which lists "church" as a conditional use. Mitigation measures are reviewed under "General standards and Considerations Governing Conditional uses" below. The reasonably detrimental effects of the proposed conditional use are minimal and can be mitigated by meeting the site requirements for developments in the R-3 zone.

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

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

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

**Staff finding: complies.** The site is located in an R-3 zone where churches are anticipated as conditional uses. The site is designed to accommodate the proposed use. The site will have a 6' tall privacy fence on the north and west property lines and has a 6' tall existing chain link fence on the east property line that was installed by Alpine School District. There are no adjoining building; thus, the protection of vies, light, air, and peace and quiet are not required. There will not be any displays. The signs include a small sign on the front of the building that is built into the face, with the name of the religion; the sign is not lit.

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.

**Staff finding: complies.** The City Engineer has reviewed the site and the circulation. The existing street that will serve the proposed use is Pony Express Parkway which is an arterial

road on the Streets Master Plan. During the Concept Plan review it was recommended that the accesses be further apart. The plans indicate that the western access has been moved further to the west. The site exceeds the parking required by Code as reviewed earlier in this report. The access locations have been reviewed by the City Engineer, and in the future there is a possibility that one of the access may be reduced from a full-movement access to a right in/right out access; however, the location of the accesses as proposed contributes to the adequacy, convenience, and safety of vehicular movement through the site. The amount of traffic generated by the site varies throughout the week and is at its peak on Sundays, when the neighboring uses have minimal traffic. The proposed site is laid out in a configuration that will accommodate the anticipated traffic.

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.

**Staff finding: complies.** The proposed church is a compatible use in the R-3 zone and will serve the nearby residents. The proposed church will have a membership of approximately 300-600 people per ward, but attendance at Sunday meetings will vary and will not include all members. During the Concept review the question was raised about parking during stake conference and the applicant indicated that stake conference is now broadcast to multiple buildings so that all the participants do not need to attend at this building. The hours of operation will vary depending on the activities being held. Seminary will also be conducted at this location for the Middle School students. The operations will not create off-site noise, dust, odors, light, or glare. No special hazards are proposed. The proposed location offers an additional church building for nearby residents. The building is expected to be permanent.

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.

**Staff finding: complies.** The proposed church will not be detrimental to the health, safety, or general welfare of persons in the area but will offer a new church building for religious services. The proposed site can comply with the land use ordinance requirements and regulations as reviewed earlier in this report. The proposed use will not result in a situation that is cost ineffective to the City. The proposed use conforms to the intent of the General plan as outlined in Section G of this report.

5. When necessary, the City Council may attach conditions to ensure compatibility with the surrounding area and to mitigate harmful effects. Such conditions may include the following:
  - a. additional parking;
  - b. water, sewer, and garbage facilities;
  - c. landscape screening to protect neighboring properties;
  - d. requirements for the management and maintenance of the facilities;
  - e. changes in layout or location of uses on the lot; and
  - f. any other condition the City Council finds necessary to reasonably ensure that the proposed Conditional Use will comply with the standards noted above.

**Staff finding: additional mitigation is not necessary.** The site plan indicates adequate parking for the proposed use, a dumpster location, and landscaping as required by code which will buffer the activities. Changes to the layout were recommended during the concept review and have been incorporated into the site plan.

6. The City Council 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.

**H. Recommendation and Alternatives:**

After evaluating the required standards for developments in the R-3 zone and the conditional use criteria, staff recommends that the City Council conduct a public meeting and make the following motion:

**Recommended Motion:**

"Based upon the evidence and explanations received today, I move that the City Council approved the Vista Heights Site Plan and Conditional Use Permit on property located at 612 West Pony Express Parkway, with the findings and conditions below:

**Findings:**

1. The proposed site plan and conditional use are consistent with the General Plan as explained in the findings in Section "F" of this report, which findings are incorporated herein by this reference.
2. The proposed site plan and conditional use meets or can conditionally meet all the requirements in the Land Development Code as explained in the findings in Section "G" of this report, which findings are incorporated herein by this reference.

**Conditions:**

1. That all requirements of the City Engineer be met, including those listed in the attached staff report.
2. That all requirements of the Fire Chief be met.
3. The grading plans shall include a berm in the landscaping between the public right of way and the parking stalls.
4. Any other conditions as articulated by the City Council:

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**Alternative Motions:**

**Alternative Motion A**

"I move to **continue** the item to another meeting, with direction to the applicant and Staff on information and/or changes needed to render a decision, as follows:

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**Alternative Motion B**

"Based upon the evidence and explanations received today and the following findings, I move that the City Council deny the Vista Heights site plan and conditional use on property located at 612 West Pony Express Parkway. Specifically I find that the following standards and/or code requirements have not been met:"

List Specific Code Standards and Requirements:

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**I. Exhibits:**

1. Engineering Report
2. Zoning / Location map
3. PC minutes, 6/12/14
4. CC minutes, 7/1/14
5. PC minutes, 9/25/14
6. Proposed Elevations
7. Site Plan
8. Landscape Plans
9. Lighting Plans

# City Council Staff Report

**Author:** Jeremy D. Lapin, City Engineer  
**Subject:** Vista Heights  
**Date:** September 25, 2014  
**Type of Item:** Site Plan and Conditional Use



## Description:

**A. Topic:** The Applicant has submitted a Site Plan and Conditional Use application. Staff has reviewed the submittal and provides the following recommendations.

## B. Background:

*Applicant:* Evans and Associates Architecture  
*Request:* Site Plan and Conditional Use Approval  
*Location:* 612 West Pony Express Parkway  
*Acreage:* Approx. 4.59 Acres

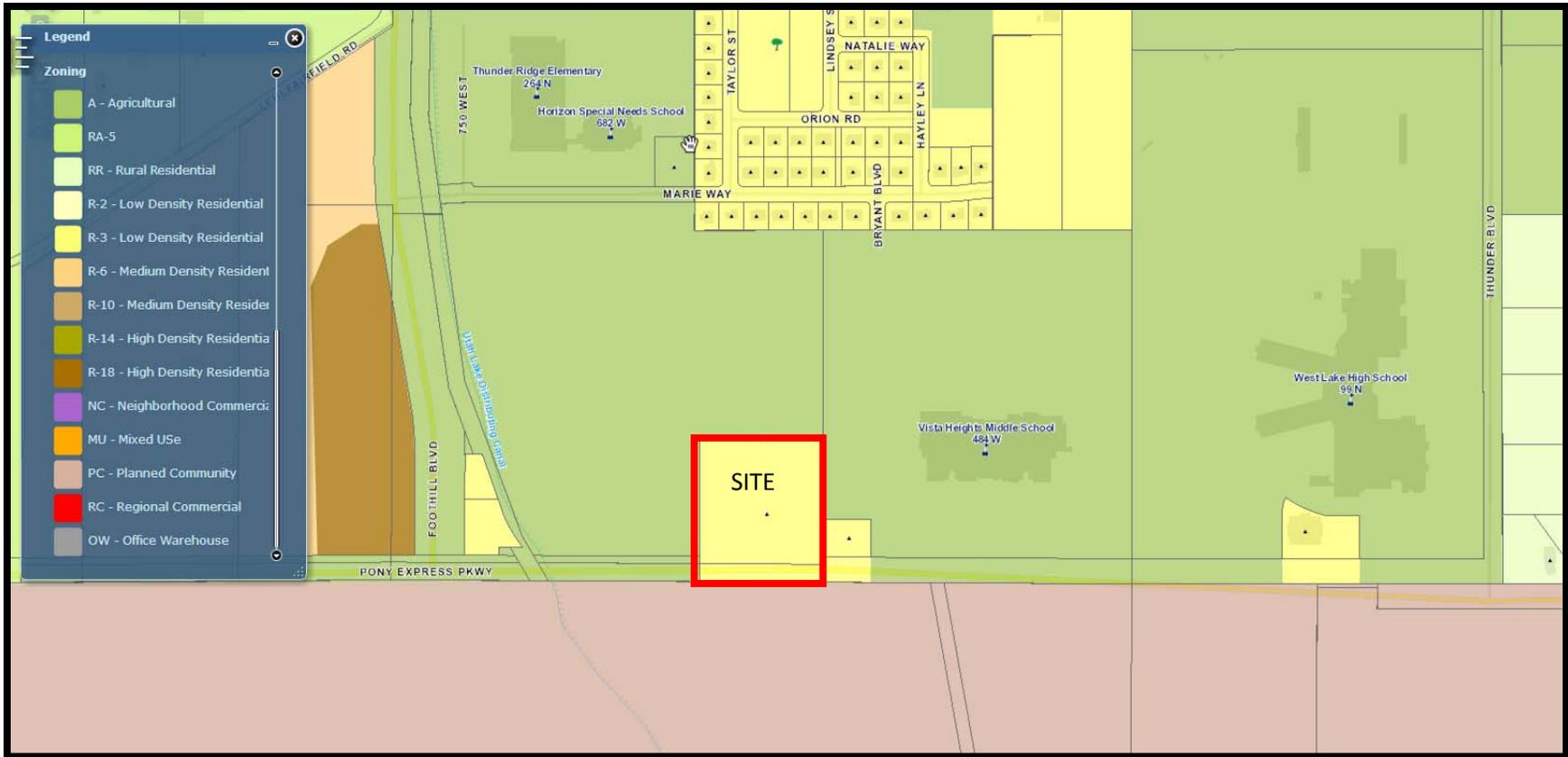
**C. Recommendation:** Staff recommends the approval of Site Plan and Conditional Use subject to the following conditions:

## D. Conditions:

- A. Meet all engineering conditions and requirements in the construction of the project. Review and inspection fees must be paid and a bond posted as per the City's Development Code prior to any construction being performed on the project. Impact and water fees are due when pulling the building permit.
- B. All review comments and redlines provided by the City Engineer are to be complied with and implemented with the approved construction drawings.
- C. Developer must secure water rights as required by the City Engineer, City Attorney, and development code.
- D. Submit easements for all public utilities not located in the public right-of-way.
- E. Developer is required to ensure that there are no adverse effects to adjacent properties due to the grading practices employed during construction of these plats.
- F. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.

- G. Final plans shall include an Erosion Control Plan that complies with all City, UPDES and NPDES storm water pollution prevention requirements.
- H. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.
- I. Developer shall provide fire flow calculations to verify each proposed hydrant can meet minimum state and city standards. Fire Flow tests may be required by the Saratoga Springs Fire Chief prior to acceptance of the water system and prior to the commencement of the warranty period.
- J. Submittal of a Mylar and electronic version of the as-built drawings in AutoCAD format to the City Engineer is required prior acceptance of site improvements and the commencement of the warranty period.
- K. Developer shall provide a road dedication plat to create a 90-ft ROW for Pony Express Parkway.
- L. Developer shall provide to the City easements as per City standards for all onsite utility lines not in the public ROW and record easements for all offsite utility lines. Plat shall reference all offsite easements (outside the boundaries of the plat) by entry number.
- M. Developer shall provide the full frontage improvements of Pony Express Parkway including, but not limited to, road widening, sidewalk, drive approaches, curb and gutter, storm drainage, Collector street lights, hydrants and waterlines, and landscaping. Items that are anticipated to be built by the City as part of the widening project scheduled for 2015 may be bonded for in lieu of completion. If completed by the City these bonded items will be released with no warranty bond required, if the widening project for some reason does not occur in 2015, these improvements will need to be completed by the applicant or their assignee.
- N. Developer shall provide and record a cross access easement with the property to the east to facilitate a possible connection in the future for a shared access from Pony Express Parkway.
- O. Developer shall facilitate and install adequate pedestrian facilities for on-site circulation and for access to sidewalks along adjacent ROW's and adjacent properties.
- P. Developer shall provide casing for waterlines and any other applicable utilities that are proposed to run under retaining walls. No other structures may be placed on top of such utilities or within their easements.

- Q. Access spacing onto pony express parkway shall comply with the standards outlined in the City's adopted Transportation Master Plan. Right-in/out access shall be designed in a manner acceptable to the City Engineer and the City shall have the right to make any future modifications necessary to the site or the adjacent ROW to control such access.
- R. On-site lighting shall be City Standard commercial style street lights and lighting shall be provided along Pony Express parkway as per the City Standard Collector Street Light at all access locations and at spacing not to exceed 300' along the frontage.
- S. Developer shall provide a record an easement from the Alpine School District for the offsite sewer lateral prior to beginning such work and before the City will inspect or accept the improvement. Lateral must meet State requirements including the installation of cleanouts at spacing not to exceed 100'.
- T. The developer shall provide a berm along the property frontage with Pony Express Parkway a minimum of 2' in height and side slopes that do not exceed 3:1.
- U. Developer shall submit and receive approval on a traffic control plan prior to commencing any work within the Public ROW.



# ZONING/LOCATION MAP

**City of Saratoga Springs  
Planning Commission Meeting  
June 12, 2014**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Planning Commission Minutes**

**Present:**

Commission Members: Jeff, Cochran, Jarred Henline, Kirk Wilkins, Sandra Steele, Hayden Williamson, Kara North

Staff: Kimber Gabryszak, Sarah Carroll, Scott Langford, Nicolette Fike, Jeremy Lapin, Kevin Thurman

Others: Teri Smith, Davidi Call, Jolayne Call, Susan Palmer, Ronald Johnston, Gaila Meyers, T. Meyers, LomeLee McKinnen, Barbara Raines, Ty Shepherd, Nancy Hart, J.C. Hart, Nancy Kramar, Krisel Travis, Tim Cullins, Gary Hadfield, Susan Hadfield, Charlie Heaton, Fred Jepson, Judy Jepson, Leah Hansen, Henry Barlow, Neil Infanger, Pam Infanger, Susan Petersen, Doug Graber, Viren Prins, Daniel Prins, Thane Smith, Scott Dunn

**9. Concept Plan for Vista Heights located at 612 West Pony Express Parkway, Evans and Associate Architects, applicant.**

Sarah Carroll – presented concept plan for a church located at this site, and staff findings.

Paul Evans for applicant – was present to answer any questions

Sandra Steele – thought the lighting should conform to city standards. She recommended pushing the North access road out further to the west as they were too close and that there could be a stub for a future access. She is not in favor of decreasing turf as much as proposed.

Hayden Williamson – wondered what the plan for overflow parking would be.

Kirk Wilkins – feels the xeriscaping would be nice and likes the more trees and shrubs. He would like to see west openings be pushed out to the next drive isle also.

Jarred Henline – feels the lights should match. He has no problem with reduction to landscape but wanted a higher percentage of 2-1/2' caliper trees, as staff requested.

Jeff Cochran – is in favor of the xeriscaping. He agrees that lighting needs to be standardized and that drive be moved further west.

Paul Evans - addressed some commission questions. They would prefer not to provide access to the east as they are unsure as to when the area to the east would be used. Church standard landscaping has been a maximum of 35% sod and they don't like to do more, most current churches in the area were to that standard. In lighting standard, he will pass that on. As for overflow, their parking met standards for the church and didn't feel a need for any more parking for overflow as now each building is used for Stake conferences. He felt they had discussed moving the west access before with staff and thinks it would be fine. Disability stalls on north side are a little further away to meet grade standards.

Kara North returned via Facetime.

**City of Saratoga Springs**  
**City Council Meeting - Work Session**  
**July 01, 2014**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Present:**

Mayor: Jim Miller

Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin, Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton

Others: Jennifer Klingonsmith, Sue Alexander, Doug Graham, Bill Gaskill, Ryan Poduska, Bob Krejci, Cari Krejci, K. Becraft, Terry Looock, Nancy Hart, Colleen Reep, Billie Hawkins, Christine Redding, Steve Maddox, Ray Dawson, Scott Dunn, Will Scott, Krisel Travis, Wally Smith, Teri Smith, Gaila Myers, Stan Steele, Sandy Steele, Mike Hathorne, Thane Smith, Barbara Raineo

**5. Concept Plan for Vista Heights Church located at approximately 600 West Pony Express Parkway, Evans and Associates Architecture, applicant.**

Sarah Carroll presented the Concept Plan. She noted the recommendations from Planning Commission. The applicant requested that they exchange 50% sod for 35.7% and extra trees.

Councilwoman Call noted the reason for the required turf is for keeping the heat down and with the huge increase in shrubs and trees; she feels this still meets the needs of the city. She agrees that the applicant ought to comply with code on lighting and agreed that the west access ought to be moved further west.

Councilman Poduska asked if there were chain link fences currently around the site.

Sarah Carroll responded that there is a chain link around the School and around and agricultural property to the west. But anything they put in could not be chain link

Councilman Willden was fine with the landscape reduction and proposed parking. He does encourage them to meet city standards on lighting.

Councilwoman Baertsch asked if some of the trees could be in grass areas. She also noted to increase some of the trees to a 2 ½ in. caliper per code

Councilman McOmber liked the better variety of church designs. He likes the increased amount of trees and expressed desire that the drive entrances be widened.

Mayor Miller would like current city standards be met with lighting.

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**September 25, 2014**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Planning Commission Minutes**

**Present:**

Commission Members: Jeff Cochran, Kirk Wilkins, Sandra Steele, Eric Reese, Hayden Williamson,

Staff: Sarah Carroll, Nicolette Fike

Others: Tyler White, Brian Morrow, Mike Kelly, Curtis Leavitt

**Excused:** Kara North, Jarred Henline

**4. Public Hearing and Possible Recommendation: Site Plan and Conditional Use for Vista Heights located at 612 West Pony Express Parkway, Evans and Association Architects, applicant.**

Sarah Carrol presented the plan to the commission. The site includes a church building, a pavilion, a storage building, and associated parking and landscaping. The applicant is requesting the sod requirement be reduced to 33% sod for this site. In exchange for this reduction they are willing to exceed all of the plant count requirements and are proposing: 99 deciduous trees at 2.5" caliper, 25 evergreen trees at 7'-8' eight, 630 five-gallon shrubs, 70 perennial plants and 78 grasses.

Chad Spencer, for applicant, was present to answer questions.

**Public Hearing Open** by Jeff Cochran

No comments at this time.

**Public Hearing Closed** by Jeff Cochran

Kirk Wilkins thanked the applicant for changes made in lighting and the entrance move. He was ok with the sod reduction and increased plants to give shade and look nice.

Eric Reese asked about the entrances and if a median was put in on Pony Express which entrance would it impact.

Sarah Carrol said if it went in it would only impact one entrance and they weren't totally sure which entrance that would be at this time.

Eric Reese appreciated the changes made to the plans as well and thought it was good.

Hayden Williamson appreciated the changes to lighting and parking, he was ok with the reduction in sod.

Sandra Steele was ok with the reduction in sod with the increased shrubs and trees. She had a problem with the accessible parking spaces, she noted they should be located on the shortest accessible route of travel and she didn't believe this fit that requirement.

Jeff Cochran asked the applicant if there was a reason the handicapped stalls weren't closer to the main entrance.

Chad Spencer said there were a number of reasons some were technical and that they met the intent of the code as it was but they would look at it. He knew there were some conflicts with unloading and issues with ramps and how the landscaping had to drain. They didn't want ice to form and be a danger.

Jeff Cochran thanked him for his answers and appreciated the xeriscape and conservation of water.

Chad Spencer wanted to point out that they had to add 8 light poles to meet the minimum light standards.

**Motion by Kirk Wilkins Based upon the evidence and explanations received today, I move that the Planning Commission forward a positive recommendation to the City Council for approval of the Vista Heights Site Plan and Conditional Use Permit on property located at 612 West Pony Express Parkway, with the findings and conditions found in the Staff Report. Seconded by Hayden Williamson**

Sandra Steele asked if the motion could include trying to get the parking spaces on the shortest accessible route.

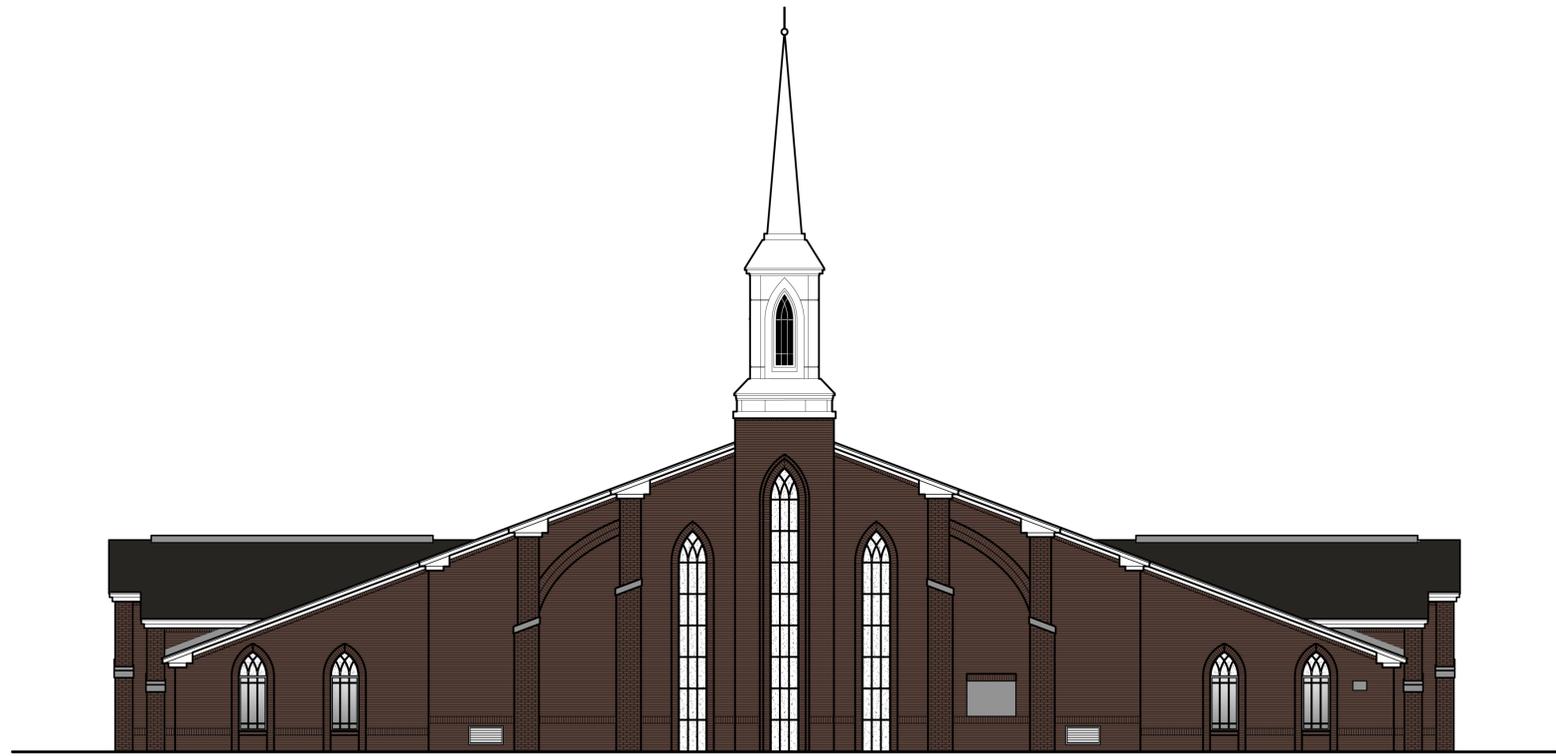
Kirk Wilkins asked applicant if he could work with staff to try and meet that request with staff without making it a condition.

Chad replied that he could.

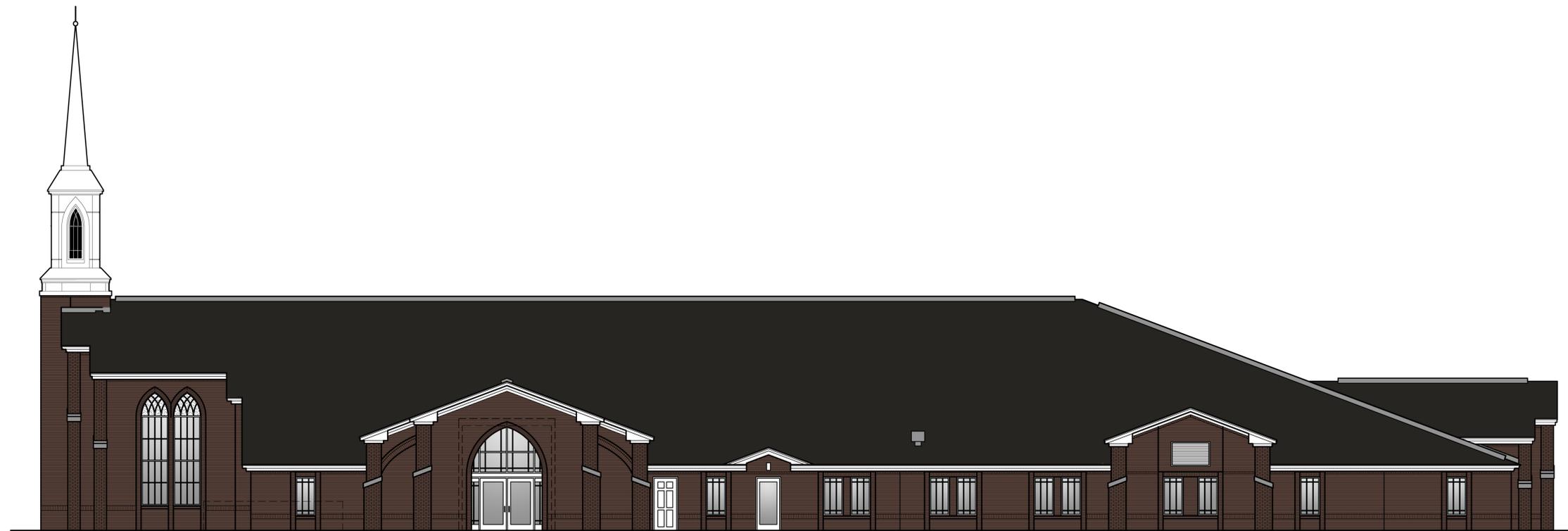
Sarah Carroll thinks there could be a small change to meet that recommendation.

Kirk Wilkins thinks it meets the intent as stated and is not adding that condition as a requirement.

**Aye: Sandra Steele, Hayden Williamson, Eric Reese, Jeffrey Cochran, Kirk Wilkins. Motion passed unanimously**



① ELEVATION  
1/8" = 1'-0"



② ELEVATION  
1/8" = 1'-0"

Architect / Engineer:

Stamp:

Project Name

Project Address

Project for:

THE CHURCH OF  
JESUS CHRIST  
OF LATTER-DAY SAINTS

Project Number:

\*\*\*

Plan Series:

HET-SAS-09-05

Property Number:

\*\*\*

Sheet Title:

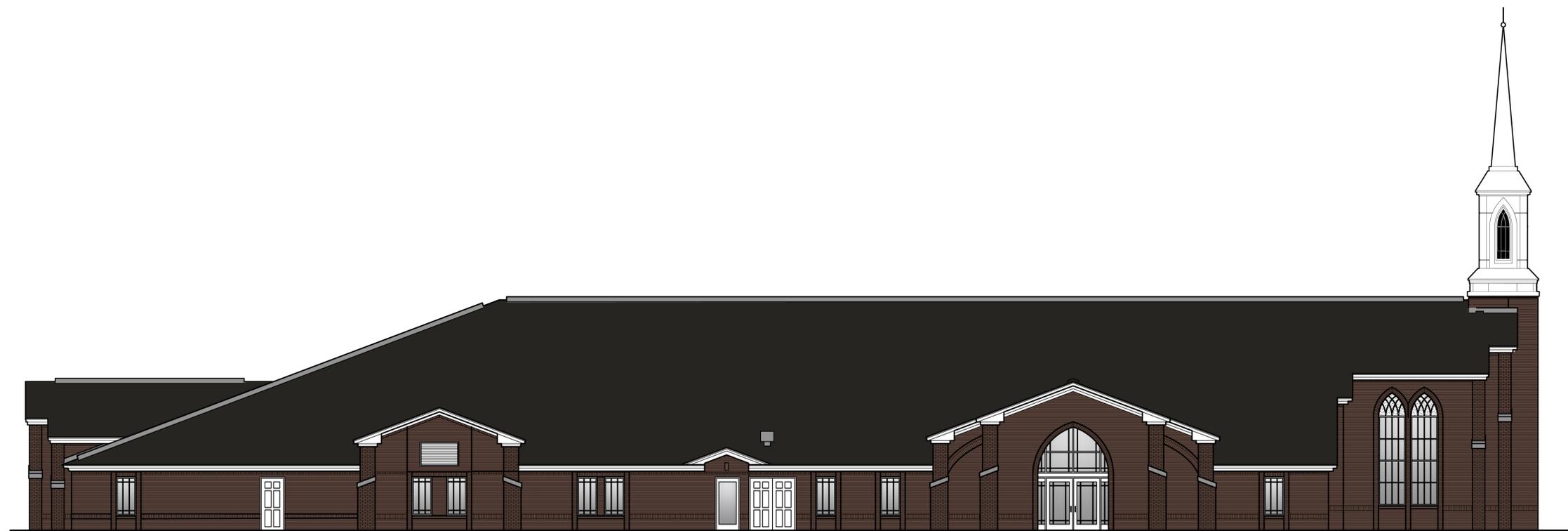
BUILDING  
ELEVATIONS

Sheet:

A201



① ELEVATION  
1/8" = 1'-0"



② ELEVATION  
1/8" = 1'-0"

Architect / Engineer:

Stamp:

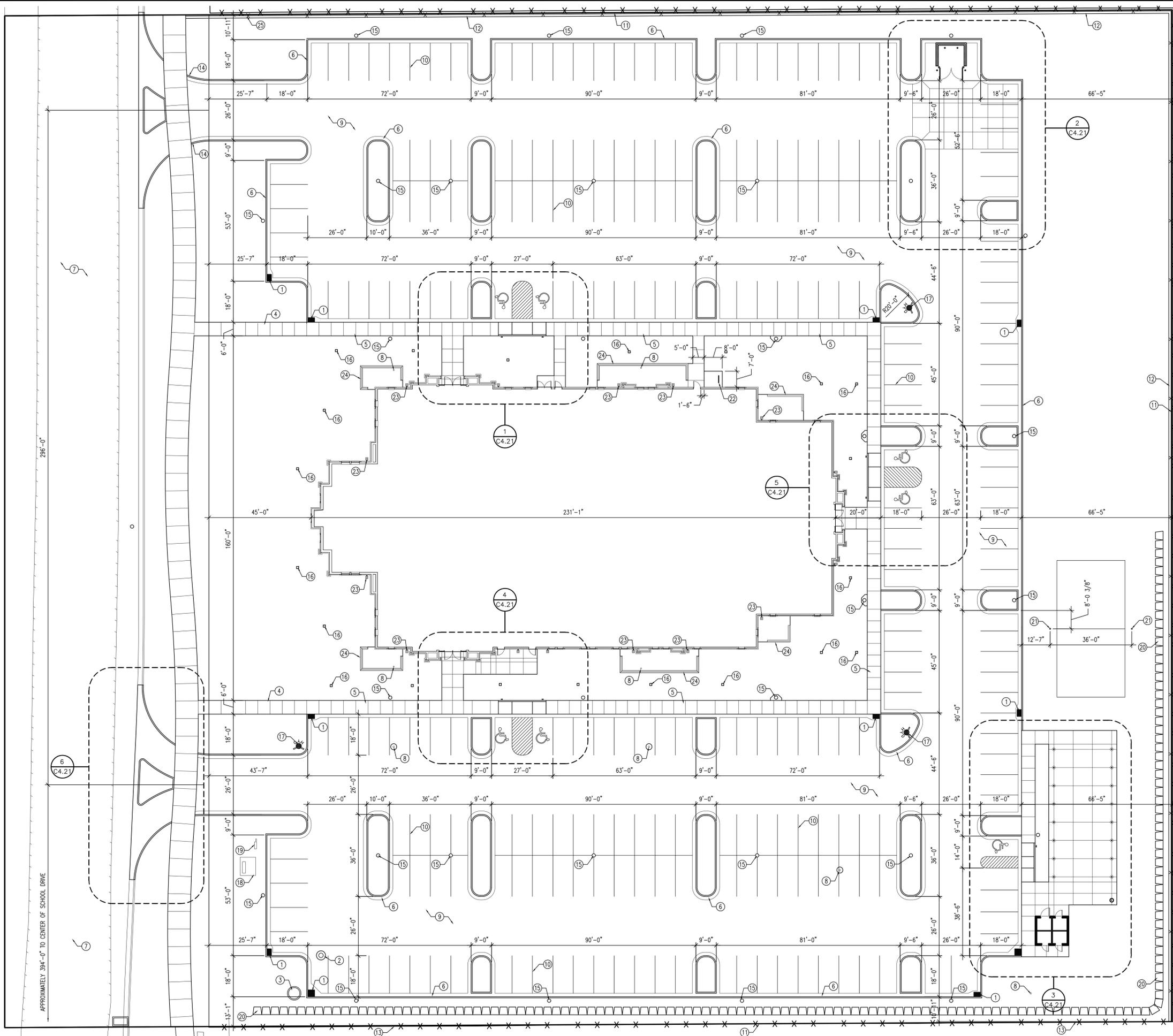
Project Name  
Project Address

Project for:  
THE CHURCH OF  
JESUS CHRIST  
OF LATTER-DAY SAINTS

Project Number:  
\*\*\*  
Plan Series:  
HET-SAS-09-05  
Property Number:  
\*\*\*

Sheet Title:  
BUILDING  
ELEVATIONS

Sheet:  
A202



KEYED NOTES

1. CATCH BASIN - SEE SITE GRADING AND DRAINAGE PLAN AND C5.13
2. CLEANOUT BOX - SEE SITE GRADING AND DRAINAGE PLAN AND A/C5.13 SIMILAR
3. VORTSENTRY HYDRAULIC TREATMENT SYSTEM - SEE SITE GRADING AND DRAINAGE PLAN
4. CONCRETE WALK - SEE D/C5.12
5. COMBINATION CONCRETE SIDEWALK-CURB AND GUTTER - SEE B/C5.11 AND C/C5.11
6. CONCRETE CURB AND GUTTER - SEE E/C5.11 AND F/C5.11
7. EXISTING ASPHALT ROAD TO REMAIN - PROTECT DURING CONSTRUCTION
8. CLEAN OUT TO GRADE - SEE E/C5.12 AND GRADING AND DRAINAGE PLAN - PROVIDE A 1'-0" WIDE CONCRETE COLLAR AROUND CLEAN OUTS LOCATED IN ASPHALT PARKING LOT
9. ASPHALT PAVEMENT - SEE C/C5.12
10. 4" WIDE PAINTED PARKING STRIPS - TYPICAL
11. PROPERTY LINE
12. REMOVE EXISTING CHAINLINK FENCE - PROVIDE AND INSTALL A 6'-0" TALL VINYL PRIVACY FENCE WITH CONCRETE MOW STRIP - SEE J/C5.12
13. EXISTING CHAINLINK FENCE TO REMAIN - PROTECT DURING CONSTRUCTION
14. TAPER CONCRETE CURB TO ASPHALT LEVEL AT DRIVE ENTRANCES - SEE F/C5.13
15. LIGHT POLE - SEE ELECTRICAL
16. YARD DRAIN - SEE D/C5.13 AND GRADING AND DRAINAGE PLAN
17. FIRE HYDRANT - SEE UTILITY PLAN
18. TRANSFORMER - SEE ELECTRICAL
19. CT CABINET - SEE ELECTRICAL
20. REDI-ROCK RETAINING WALL - SEE GRADING AND DRAINAGE PLAN
21. VOLLEYBALL SLEEVES
22. BICYCLE RACK - SEE K/C5.12
23. DOWNSPOUT CATCH BASIN - SEE K/C5.13 AND GRADING AND DRAINAGE PLAN
24. MECHANICAL ENCLOSURE - SEE B/C5.21
25. 3'-0" TALL VINYL PRIVACY FENCE WITH CONCRETE MOW STRIP EXTEND FROM SIDEWALK TO 30'-0" FROM THE RIGHT OF WAY

GENERAL NOTES

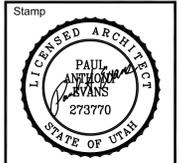
1. CONCRETE RADII ARE 4'-0" UNLESS NOTED OTHERWISE
2. COORDINATE ALL SITE WORK WITH ALL OTHER CONTRACT DOCUMENTS
3. ALL APPLICABLE ELEMENTS OF THE AMERICAN'S WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES WILL BE ADHERED TO
4. PARKING STALLS ARE 9'-0" X 18'-0" UNLESS NOTED OTHERWISE.
5. ALL NOTED ITEMS ARE NEW UNLESS NOTED OTHERWISE.

SITE INFORMATION

ON SITE IMPROVEMENTS	SQ. FT.	ACRES	
TOTAL PARCEL AREA	188,444	4.326	100%
BUILDING AREAS			
CHAPEL	23,975		
STORAGE BUILDING	190		
IMPERVIOUS AREAS			
CONCRETE - WALKS, PADS, APRONS	11,892	0.273	6.31%
CONCRETE CURB & GUTTER (LF)	3,444		
ASPHALT	79,943	1.835	42.42%
TOTAL LANDSCAPE AREA	66,798	1.533	35.45%
OFF SITE IMPROVEMENTS			
CONCRETE - WALKS, PADS, APRONS	0	0	
CONCRETE CURB & GUTTER (LF)	0		
ASPHALT	0	0	
OFF SITE LANDSCAPE AREA	8,758	0.201	
TOTAL PARKING SPACES PROVIDED			
REGULAR	254 STALLS		
ACCESSIBLE	2 STALLS		
VAN ACCESSIBLE	5 STALLS		
TOTAL SPACES PROVIDED	261 STALLS		

ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"



A New Meetinghouse for:  
**Vista Heights & Saratoga Springs UT Crossroads Stake**  
 600 West Pony Express Parkway  
 Saratoga Springs, Utah

Project for:  
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

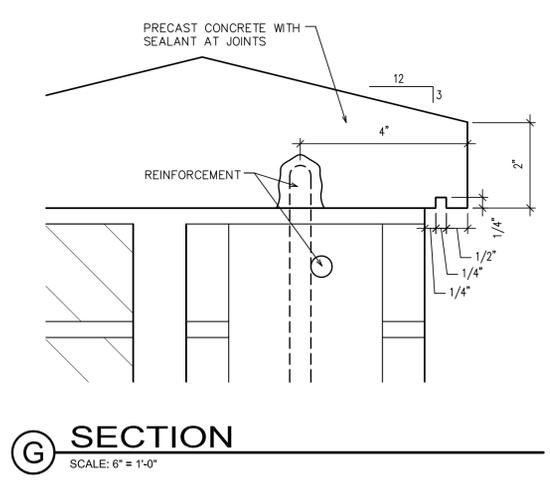
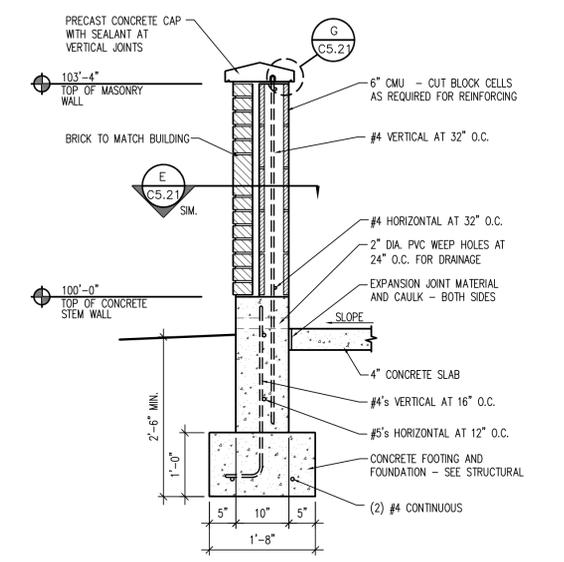
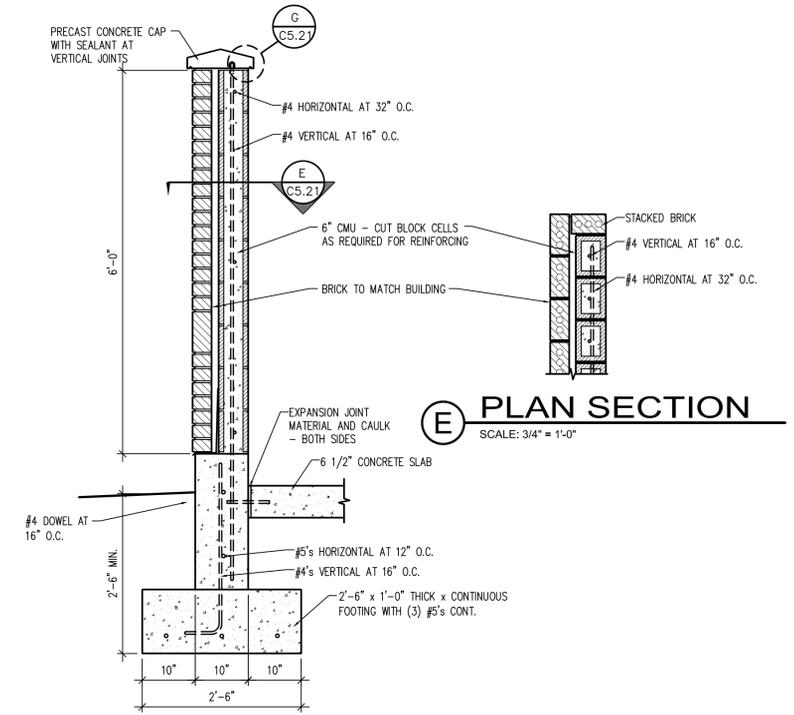
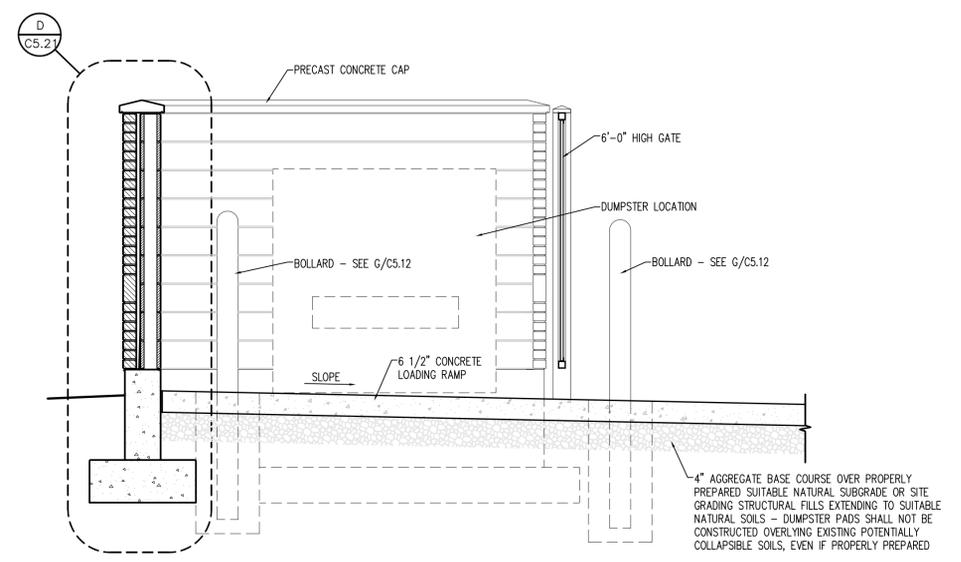
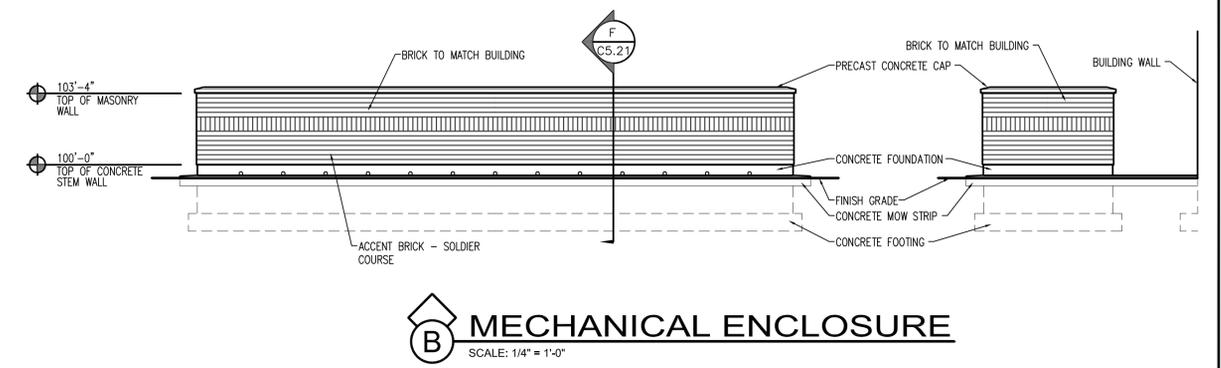
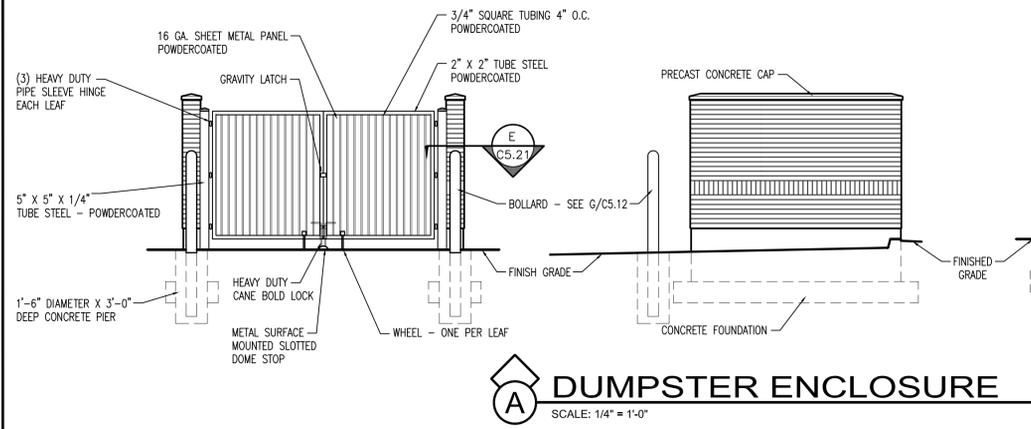
Revisions	Description	Date
1	Conditional Use/Site Plan Sub.	6/30/2014

Project Number: M4-06  
 Plan Series: HET-SAS-09-05 (Style A)  
 Property Number: 500-4730  
 Date: February 1, 2014

Sheet Title:  
 ARCHITECTURAL SITE PLAN

Sheet:  
**C4.11**





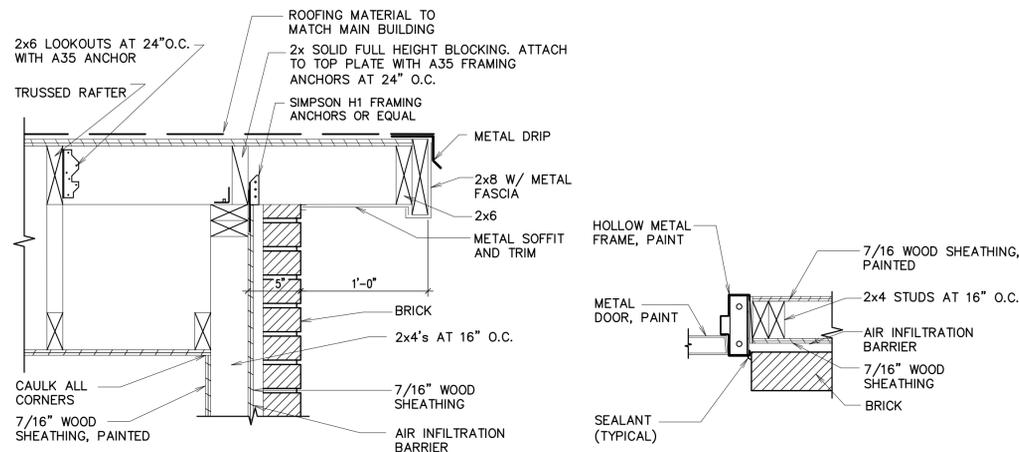
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	Conditional Use/Site Plan Sub.	6/30/2014	

Project Number: 14-06  
Plan Series: HET-SAS-09-05 (Style A)  
Property Number: 500-4730  
Date: February 1, 2014

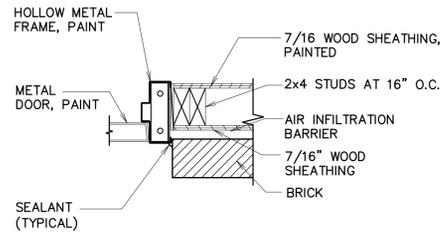
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**MECHANICAL AND DUMPSTER ENCLOSURE DETAILS**

- GENERAL NOTES**
- SEE SITE PLAN FOR WALK LOCATIONS AND WIDTH
  - 1" PRIOR TO PLANTING - 2" PRIOR TO SODDING

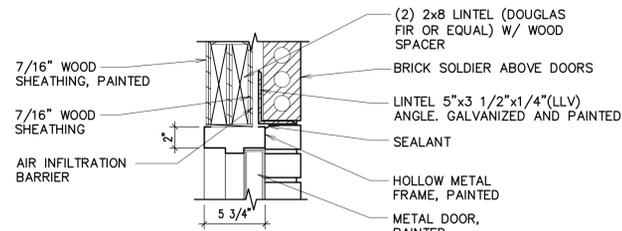
Sheet  
**C5.21**



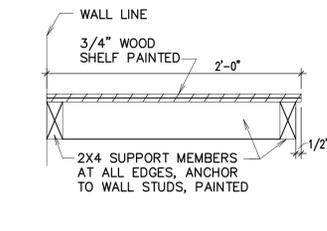
**(A) EAVE**  
1 1/2" = 1'-0"



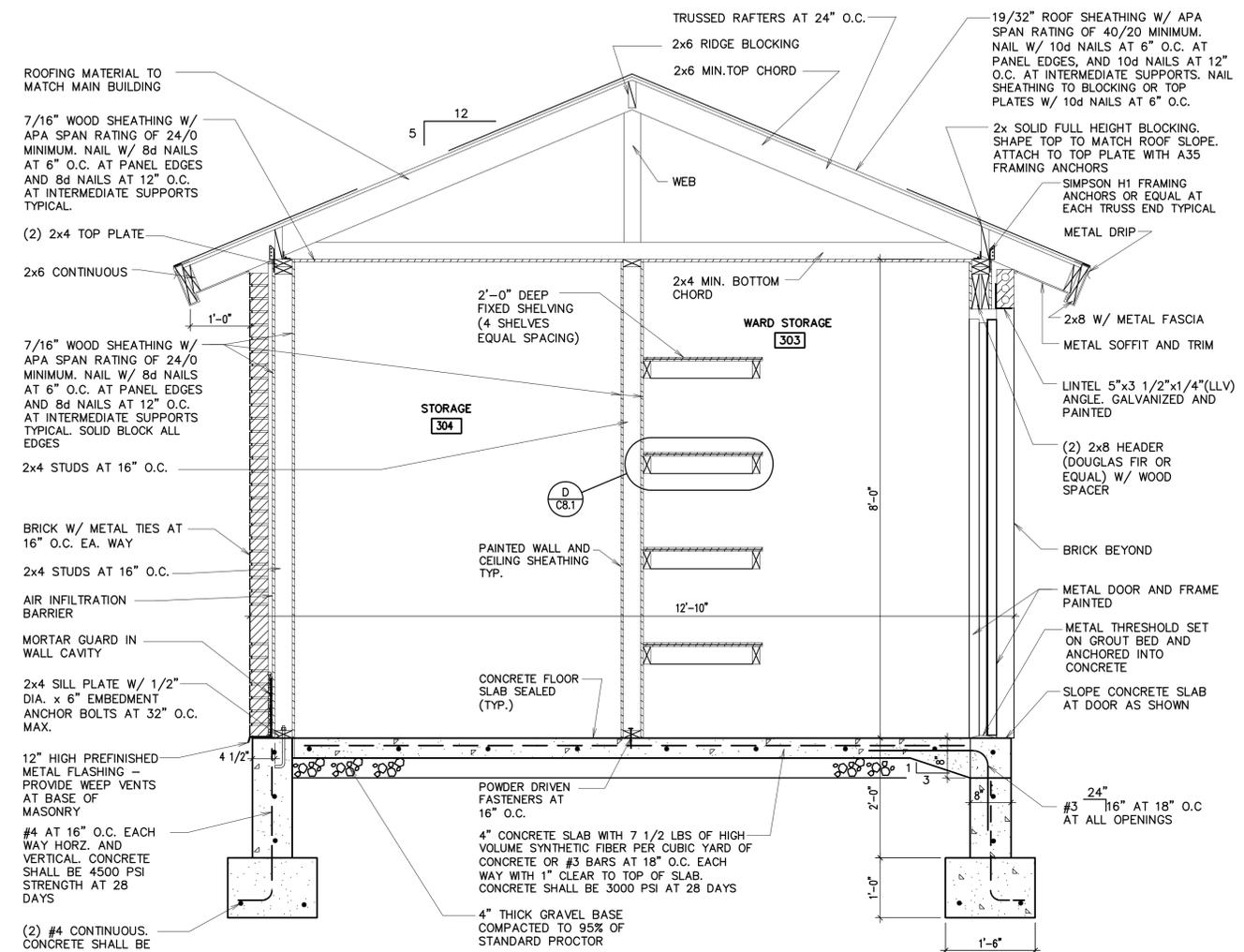
**(B) JAMB**  
1 1/2" = 1'-0"



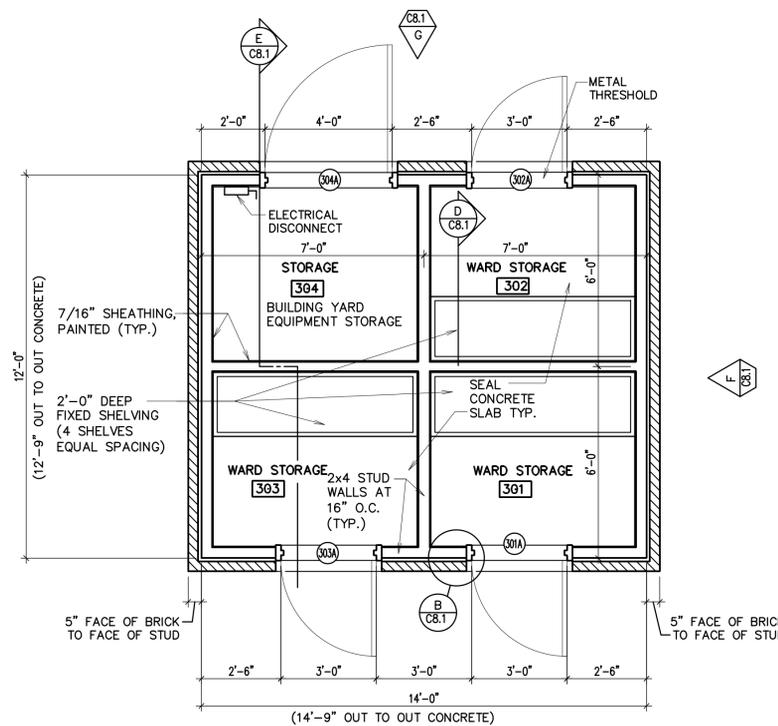
**(C) HEAD**  
1 1/2" = 1'-0"



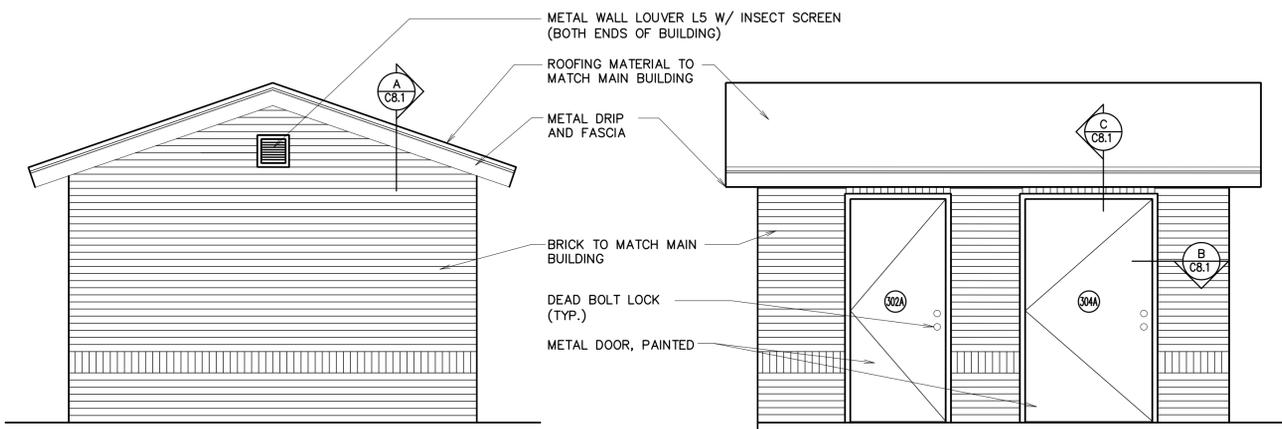
**(D) SHELF SECTION**  
1 1/2" = 1'-0"



**(E) CROSS SECTION**  
3/4" = 1'-0"

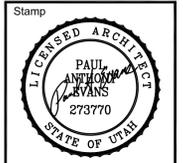
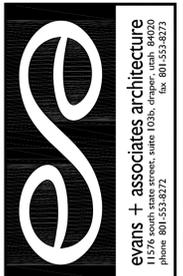


**(1) FLOOR PLAN**  
3/8" = 1'-0"



**(F) ELEVATION**  
3/8" = 1'-0"  
(OPPOSITE END SIMILAR)

**(G) ELEVATION**  
3/8" = 1'-0"  
(OPPOSITE SIDE SIMILAR)



A New Meetinghouse for:

**Vista Heights & Saratoga Springs UT Crossroads Stake**

600 West Pony Express Parkway  
Saratoga Springs, Utah

Project for:

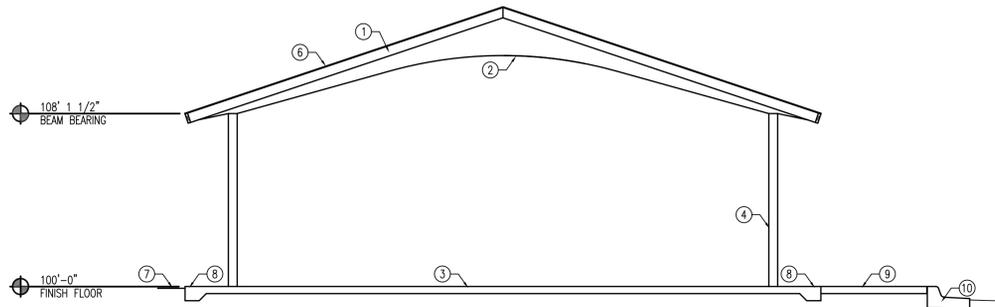
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

Revisions	Description	Date	Mark
14-06	Conditional Use/ Site Plan Sub.	6/30/2014	

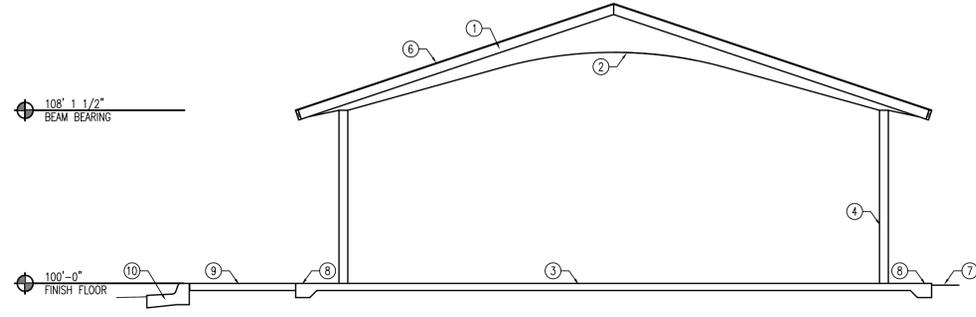
Project Number: 14-06  
 Plan Series: HET-SAS-09-05 (Style A)  
 Property Number: 500-4730  
 Date: February 1, 2014

Sheet Title: STORAGE BUILDING

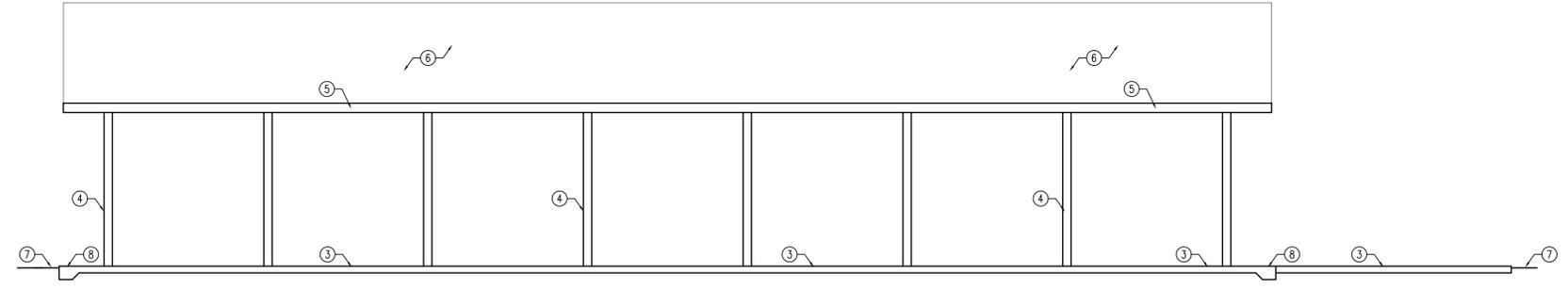
Sheet: C8.11



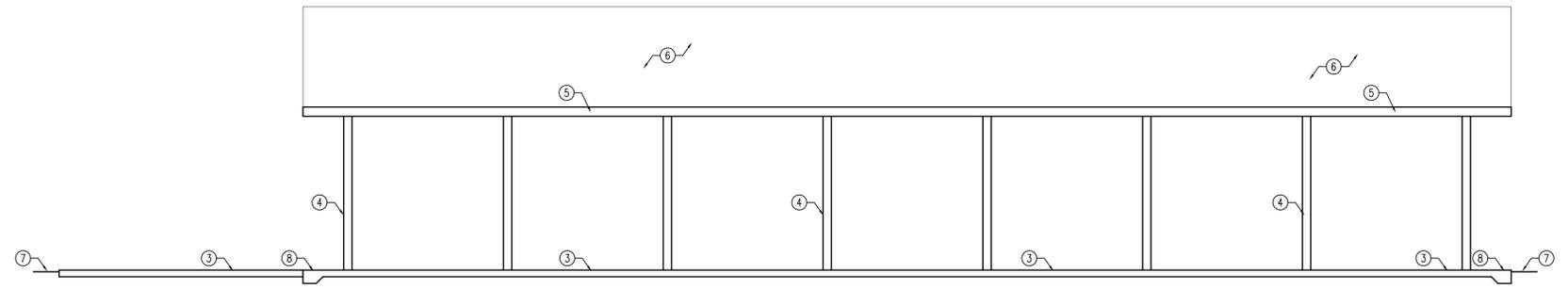
**A ELEVATION**  
SCALE: 1/4" = 1'-0"



**C ELEVATION**  
SCALE: 1/4" = 1'-0"



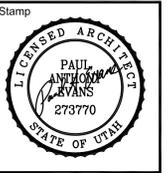
**B ELEVATION**  
SCALE: 1/4" = 1'-0"



**D ELEVATION**  
SCALE: 1/4" = 1'-0"

**KEYED NOTES**

1. PREFINISHED METAL FASCIA OVER WOOD FASCIA - SEE B/C9.3
2. GLU-LAM BEAM - SEE RCP SHEET 1 OF 2
3. CONCRETE SLAB - SEE A/C9.3 AND RCP SHEET 1 OF 2
4. STEEL COLUMN - SEE RCP SHEET 1 OF 2 - TOUCH UP PAINT AS NECESSARY AFTER CONSTRUCTION
5. PREFINISHED METAL FASCIA OVER WOOD FASCIA - SEE C/C9.3
6. FIBERGLASS SHINGLE ROOFING - SEE RCP SHEET 1 OF 2
7. FINISH GRADE
8. THICKENED EDGE OF CONCRETE SLAB - SEE RCP SHEET 1 OF 2
9. CONCRETE WALK - SEE C4.21 FOR CONTINUATION
10. CONCRETE CURB AND GUTTER - SEE C5.11



A New Meetinghouse for:  
**Vista Heights & Saratoga Springs UT Crossroads Stake**  
600 West Pony Express Parkway  
Saratoga Springs, Utah

Project for:  
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

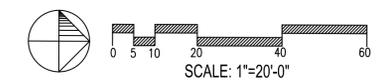
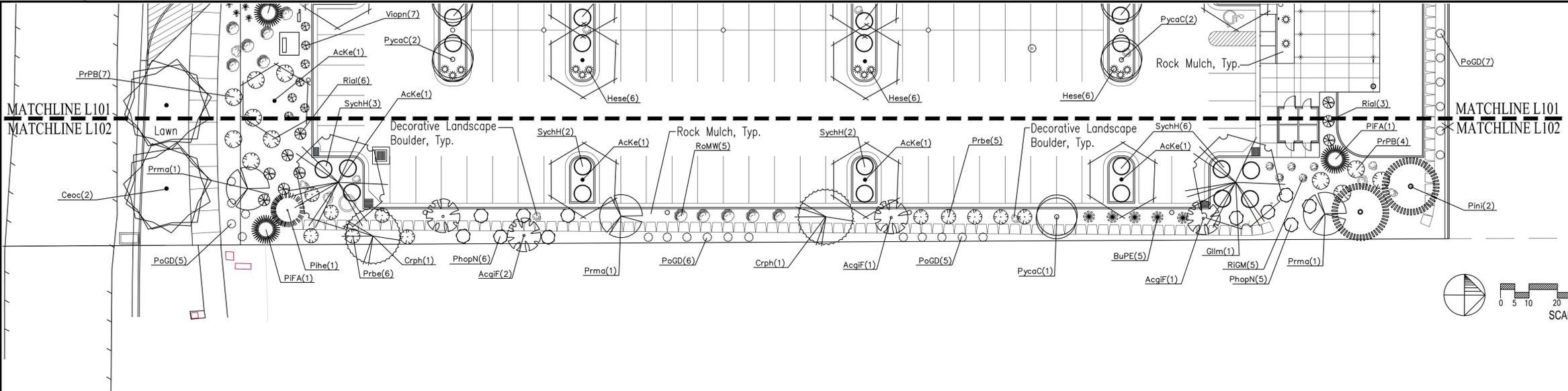
Revisions	Mark	Date	Description
		6/20/2014	Conditional Use/Site Plan Sub.

Project Number: 14-06  
Plan Series: HET-SAS-09-05 (Style A)  
Property Number: 500-4730  
Date: February 1, 2014

Sheet Title:  
**PAVILION EXTERIOR ELEVATIONS**

Sheet:  
**C9.02**





### PLANTING SCHEDULE

Symbol	Code Name	Scientific Name	Common Name	Planting Size	Quantity
<b>Broadleaf Deciduous</b>					
AcgIF	AcgIF	Acer ginnala 'Flame' (multi-stem)	Flame Amur Maple (clump)	6'-8' Ht.	15
AcKe	AcKe	Acer x truncatum 'Warrenred'	Pacific Sunset Maple	2.5"-Cal	26
Ceoc	Ceoc	Celtis occidentalis	Common Hackberry	2.5"-Cal	7
Crph	Crph	Crataegus phaenopyrum	Washington Hawthorn	2.5"-Cal	9
FrPa	FrPa	Fraxinus pennsylvanica 'Patmore'	Patmore Ash	2.5"-Cal	5
Glim	Glim	Gleditsia triacanthos 'Imperial'	Imperial Honeylocust	2.5"-Cal	8
Prma	Prma	Prunus mackii	Amur Chokecherry	2.5"-Cal	10
PycaC	PycaC	Pyrus calleryana 'Chanticleer'	Chanticleer Pear	2.5"-Cal	19
<b>Conifer Evergreen</b>					
PiFA	PiFA	Picea glauca densata	Black Hills Spruce	7'-8' Ht.	13
Pihe	Pihe	Pinus heldrichii leucodermis	Bosnian Redcone Pine	7'-8' Ht.	6
Pini	Pini	Pinus nigra	Austrian Pine	7'-8' Ht.	6
<b>Perennial</b>					
HePM	HePM	Hemerocallis 'Pardon Me'	Pardon Me Daylily	1-Gal	22
HeSt	HeSt	Hemerocallis 'Stella d'Oro'	Stella d'Oro Daylily	1-Gal	48
<b>Grass</b>					
Hese	Hese	Helictrotrichon sempervirens	Blue Oat Grass	1-Gal	78
<b>Shrub</b>					
BuPE	BuPE	Buddleia davidii 'Purple Emperor'	Purple Emperor Butterfly Bush	5-Gal	23
PhopN	PhopN	Physocarpus opulifolius 'Nanus'	Dwarf Ninebark	5-Gal	40
PimuP	PimuP	Pinus mugo 'Pumilio'	Dwarf Mugo Pine	5-Gal	14
PoGD	PoGD	Potentilla fruticosa 'Gold Drop'	Gold Drop Potentilla	5-Gal	56
Prbe	Prbe	Prunus besseyi	Western Sand Cherry	5-Gal	24
PrPB	PrPB	Prunus besseyi 'Pawnee Buttes'	Pawnee Buttes Sand Cherry	5-Gal	20
RaGL	RaGL	Rhus aromatica 'Grow Low'	Grow Low Sumac	5-Gal	24
Rial	Rial	Ribes alpinum	Alpine Currant	5-Gal	65
RIGM	RIGM	Ribes alpinum 'Green Mound'	Green Mound Currant	5-Gal	26
RoMR	RoMR	Rosa 'Meidiland Red'	Meidiland Red Rose	5-Gal	23
RoMW	RoMW	Rosa 'Meidiland White'	Meidiland White Rose	5-Gal	29
SychH	SychH	Symphoricarpos x chenaultii 'Hancock'	Hancock Coralberry	5-Gal	68
Viopn	Viopn	Viburnum opulus nanum	Dwf. European Cranberry	5-Gal	65
VrAl	VrAl	Viburnum x rhytidophloides 'Alleghany'	Leatherleaf Viburnum	5-Gal	5

### DESIGN CRITERIA

Climate	U.S. Hardiness Zone 5
Zoning Ordinance	Saratoga Springs City
Water Availability	NA
Soil Type	See Soils Report
Solar Orientation	See North Arrow
Utilities	See Utility Plan
Slopes	See Grading Plan
Site Layout	Road bordered
Wind	South Prevailing
Setbacks/Easements	NA
Microclimates	NA
Soil ph	See Soils Report
Lawn Area	33% of Total Landscape (22,833 sq. ft.)*

\* Park Strip landscape of 4,257 sq. ft. NOT included in this total

### CNA INFORMATION

Total Site Area	4.3 acres*
Shrubs/Groundcover	46,191 sq. ft.
Total Landscape Area	69,024 sq. ft. (37%)*
Trees On Site	124

\* Park Strip landscape of 4,257 sq. ft. NOT included in this total

### PLANT COVERAGE TABLE

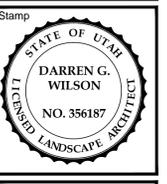
	Shrub-Mature Coverage	Tree-Coverage Intent
Street Frontage	~% (25-50%)	Frame Building
Primary Entries	~% (30-55%)	Frame Entry
Building Perimeter	~% (25-45%)	Accent Building
Perimeter Sides	~% (10-25%)	Screen Lot
Perimeter Rear	~% (10-25%)	Screen Lot

### CITY REQUIREMENTS

Landscape Element	Required	Per Plan
Deciduous Trees	--	99
Evergreen Trees	--	25
Shrubs (incl. Grasses & Perennials)	--	630
Drought Tolerant	Recommended	587 (78%)

### NOTES:

- Screened Top Soil to be implemented in all new planting areas at the following depths: 12" in all shrub beds, 5" in all lawn areas.
- Lawn to be a Kentucky Bluegrass Blend (min. 3 varieties) and be implemented as sod.
- 6"x6" flat concrete curbing to be implemented between all shrub bed and lawn areas as shown on plan.
- Cobble Rock Mulch to be 1-1/2" size "South town" from Nephi Sandstone, Nephi, Utah. Implement Cobble Rock in planter beds at a 3" depth over weed barrier fabric.
- Cobble Rock Mulches to be clean and free of debris, placed at uniform depth, and raked smooth.
- DeWitt #5 Landscape Fabric to be implemented in all shrub beds prior to cobble rock implementation. Follow manufactureres installation instructions.
- Trees in lawn areas to have a 36" diameter grass free ring around the trunk and have a 2" depth of shredded bark mulch implemented.
- Landscape Boulders to be 3'-4' size and match color of cobble rock mulch. Bury boulders minimum 6" in ground. (48 Total)
- No landscaping or other obstruction in excess of 3 feet above finished grade shall be implemented in clear view triangles.



A New Meetinghouse for:  
**Vista Heights & Saratoga Springs UT Crossroads Stake**  
 600 West Pinyon Express Parkway  
 Saratoga Springs, Utah

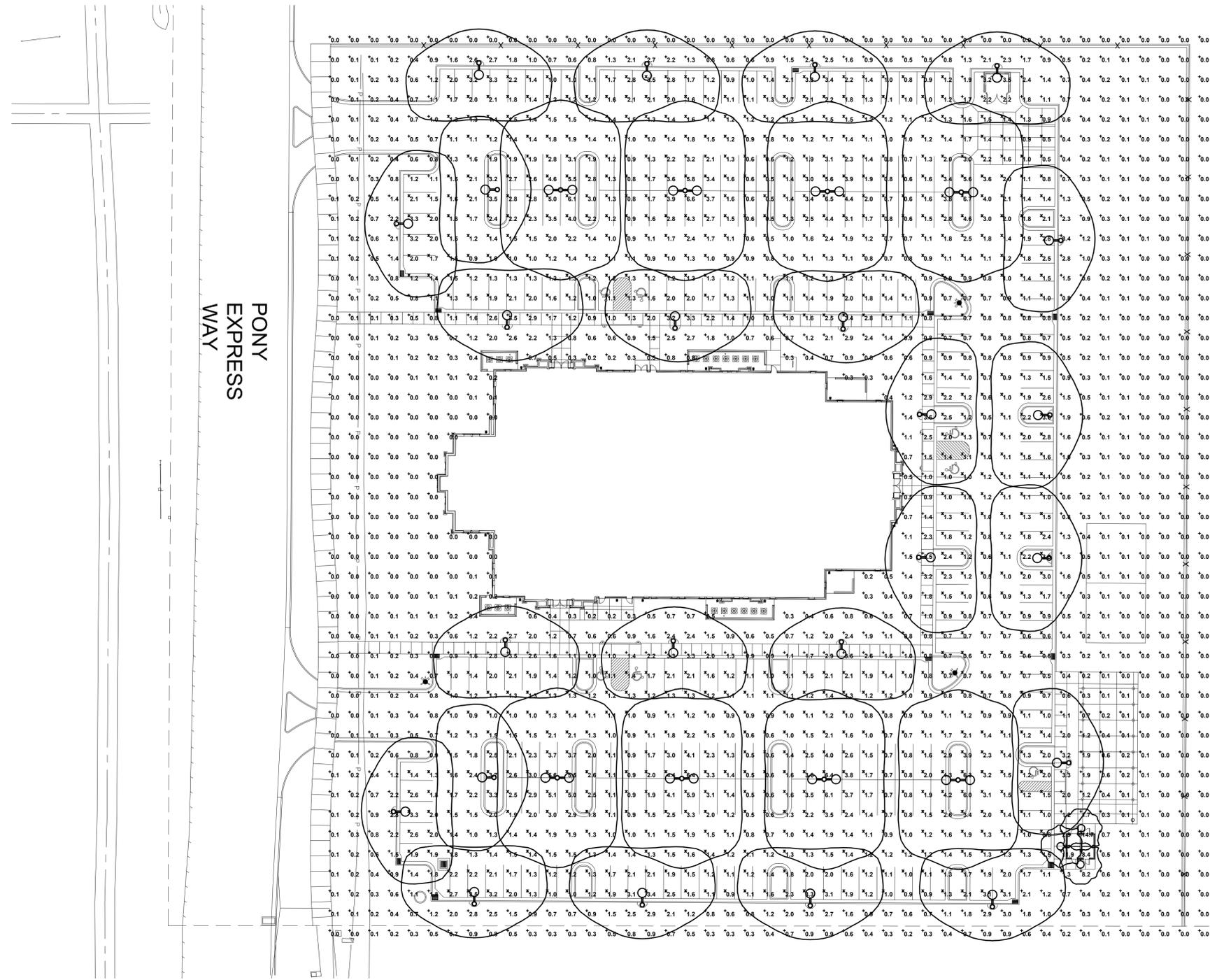
Project for:  
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

Revisions	Mark	Date	Description
		6/20/2014	Conditional Use/Site Plan Sub

Project Number: 14-06  
 Plan Series: HET-SAS-09-05 (Style A)  
 Property Number: 500-4730  
 Date: February 1, 2014

Sheet Title:  
**LANDSCAPE PLAN**

Sheet:  
**L102**



PONY EXPRESS WAY

### ELECTRICAL SITE ILLUMINATION PLAN

SCALE: 1" = 30'-0"



STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	1.0 fc	6.7 fc	0.0 fc	N / A	N / A
Parking Lot	X	1.6 fc	6.7 fc	0.5 fc	13:4:1	3:2:1

- SARATOGA CITY LIGHTING NOTES**
- POST-APPROVAL ALTERATIONS TO LIGHTING PLANS OR INTENDED SUBSTITUTIONS FOR APPROVED LIGHTING EQUIPMENT SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL.
  - THE CITY RESERVES THE RIGHT TO CONDUCT POST-INSTALLATION INSPECTIONS TO VERIFY COMPLIANCE WITH THE CITY'S REQUIREMENTS AND APPROVED LIGHTING PLAN COMMITMENTS, AND IF DEEMED APPROPRIATE BY THE CITY, TO REQUIRE REMEDIAL ACTION AT NO EXPENSE TO THE CITY. ALL EXTERIOR LIGHTINGS SHALL MEET IESNA FULL-CUTOFF CRITERIA UNLESS OTHERWISE APPROVED BY THE CITY.



evans + associates architecture  
11576 south lake street, suite 103b, paper, utah 84020  
phone 801-534-0271 fax 801-534-0272



A New Meetinghouse for:  
**Vista Heights & Saratoga Springs UT Crossroads Stake**  
600 West Pony Express Parkway  
Saratoga Springs, Utah

Project for:  
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

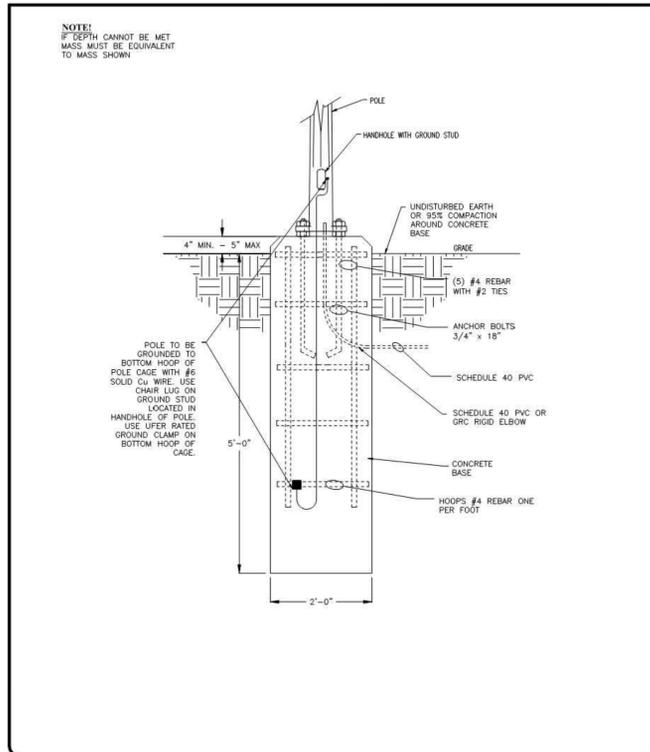
Revisions	Mark	Date	Description
		6/30/2014	Conditional Use/Site Plan Sub.

Project Number: 14-06  
Plan Series: HET-SAS-09-05 (Style A)  
Property Number: 500-4730  
Date: February 1, 2014

Sheet Title:  
**ELECTRICAL SITE ILLUMINATION PLAN**

Sheet:  
**C3.02**

240 East Morris Ave, Suite 200  
South Salt Lake City, UT 84115  
P (801) 534-1130  
F (801) 534-1090  
www.envisioneng.com

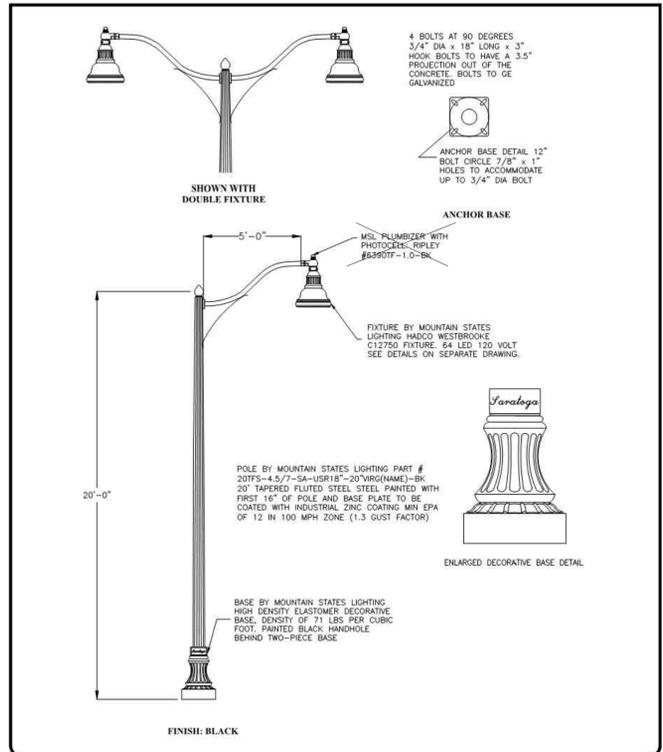


**CONCRETE BASE DETAIL  
20' STREET LIGHT  
COLLECTOR  
/ COMMERCIAL**

DATE: APRIL 2014	REVISION: BY: COMMENTS:
DRAWING NAME: LP-2B	
DRAWN BY: CJG	
CHECKED: APPROVED:	

SARATOGA SPRINGS CITY

STANDARD DETAILS  
STREET LIGHTS  
**LP-2B**

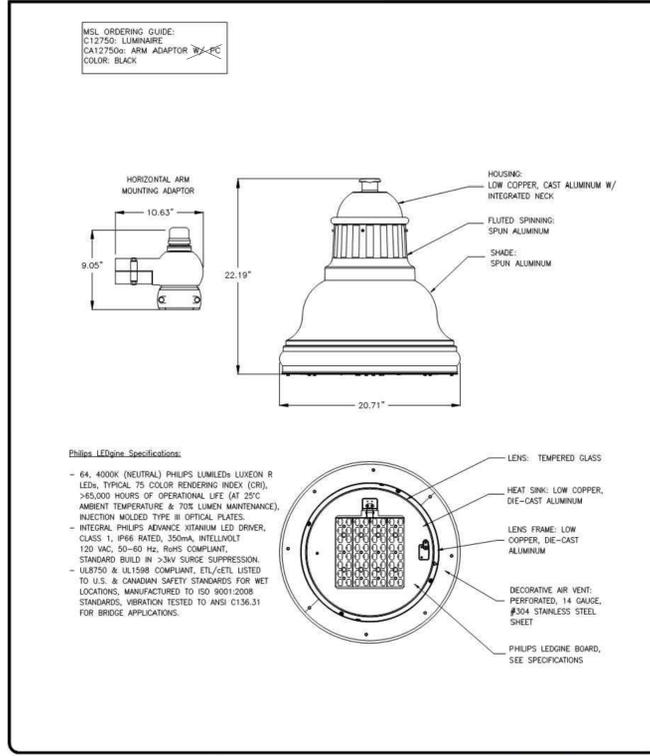


**20' STREET LIGHT  
COLLECTOR  
/ COMMERCIAL**

DATE: APRIL 2014	REVISION: BY: COMMENTS:
DRAWING NAME: LP-2	
DRAWN BY: CJG	
CHECKED: APPROVED:	

SARATOGA SPRINGS CITY

STANDARD DETAILS  
STREET LIGHTS  
**LP-2**

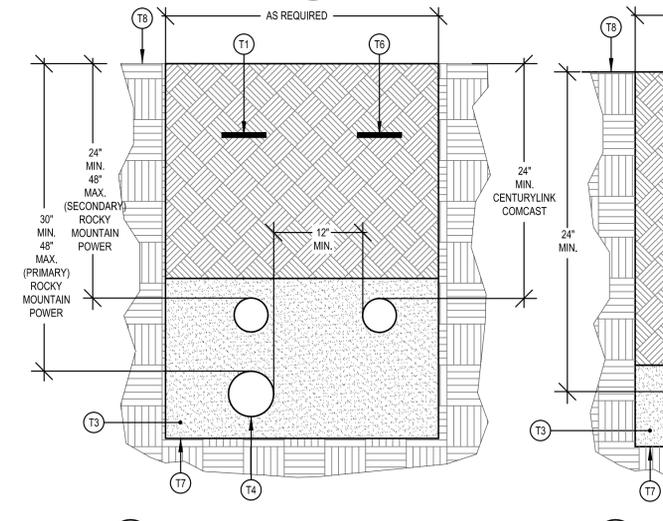
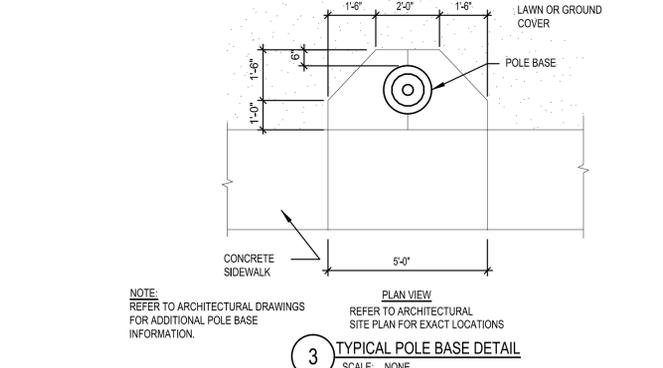


**LUMINAIRE  
COLLECTOR/  
COMMERCIAL  
STREET LIGHT**

DATE: APRIL 2014	REVISION: BY: COMMENTS:
DRAWING NAME: LP-2C	
DRAWN BY: CJG	
CHECKED: APPROVED:	

SARATOGA SPRINGS CITY

STANDARD DETAILS  
STREET LIGHTS  
**LP-2C**

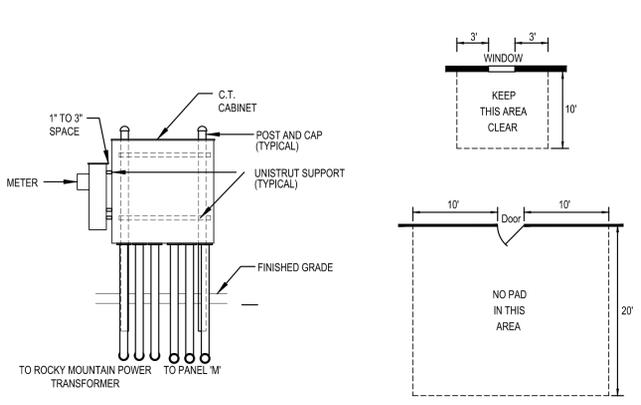


**7 TRENCH DETAIL - JOINT USE**  
SCALE: NONE  
ROCKY MOUNTAIN POWER / CENTURYLINK / COMCAST (JOINT USE)

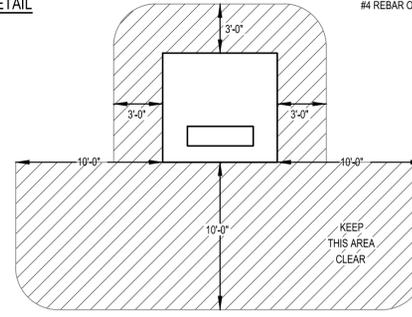
**6 TRENCH DETAIL**  
SCALE: NONE  
CENTURYLINK / COMCAST

**5 TRENCH DETAIL**  
SCALE: NONE  
ROCKY MOUNTAIN POWER (SECONDARY POWER)

**4 TRENCH DETAIL**  
SCALE: NONE  
ROCKY MOUNTAIN POWER (PRIMARY POWER)



**2 CT CABINET/METER MOUNTING DETAIL**  
SCALE: none



TRANSFORMER PAD DIMENSION CHART

TRANSFORMER RATING	DIMENSIONS				
	A	B	C	D	E
75-500 KVA	84"	78"	48"	15"	20"
750-2500 KVA	96"	82"	60"	16"	30"

COORDINATE ALL REQUIREMENTS WITH ROCKY MOUNTAIN POWER. REFER TO THE CURRENT ESR MANUAL FOR ALL PAD AND CLEARANCE REQUIREMENTS.

**TRENCHING KEYED NOTES:** (T8)

- MARKER TAPE WITH TRACER WIRE LABELED, "CAUTION BURIED ELECTRIC CONDUITS BELOW" DIRECTLY OVER POWER CONDUITS 6" MINIMUM BELOW GRADE.
- CLEAN BACKFILL CONTAINING NO ROCKS LARGER THAN 4" DIA.
- BACKFILL MATERIAL WITHIN 4" TO 6" OF CONDUIT SHALL PASS THROUGH A 3/4" SIEVE FRAME OR SAND WITHOUT ANY SHARP OR FOREIGN OBJECTS.
- ALL CONDUITS SHOWN SHALL BE SCHEDULE 40 PVC.
- UNDISTURBED EARTH.
- MARKER TAPE WITH TRACER WIRE LABELED, "CAUTION BURIED DATA/COMMUNICATION CONDUIT BELOW" DIRECTLY OVER DATA/COMM CONDUITS.
- TRENCHES SHALL BE A UNIFORM DEPTH FOR ENTIRE LENGTH OF TRENCH SO CONDUITS CAN SIT FLAT (HORIZONTAL) WITH THE GROUND.
- FINISHED GRADE.

**TRENCHING GENERAL NOTES:**

- PROVIDE PULL 1/4" NYLON ROPES IN ALL CONDUITS.
- HORIZONTAL AND VERTICAL SEPARATION BETWEEN CONDUIT SHALL BE MAINTAINED BY INSTALLING HIGH IMPACT SPACERS WITH HORIZONTAL INTERVALS OF EIGHT FEET.
- ALL MARKER TAPE SHALL CONTAIN #10 TRACER WIRE.
- REFER TO THE ROCKY MOUNTAIN POWER SIX STATE ESR FOR ADDITIONAL INFORMATION.
- VERIFY ALL REQUIREMENTS WITH CENTURYLINK AND COMCAST PRIOR TO TRENCHING.

**1 ROCKY MOUNTAIN POWER TRANSFORMER PAD DETAIL**  
SCALE: NONE



A New Meetinghouse for:  
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600 West Pony Express Parkway  
Saratoga Springs, Utah

Project for:  
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

Revisions	Description	Date	Mark
14-06 <td>Final Series <td>6/30/2014</td> <td></td> </td>	Final Series <td>6/30/2014</td> <td></td>	6/30/2014	

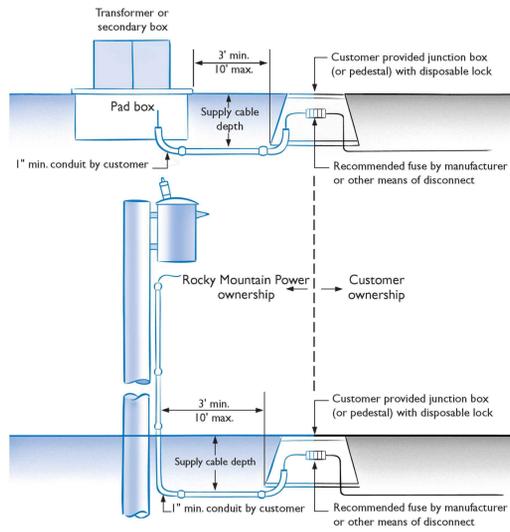
Project Number: 14-06  
Plan Series: HET-SAS-09-05 (Style A)  
Property Number: 500-4730  
Date: February 1, 2014

Sheet Title:  
**ELECTRICAL SITE PLAN  
DETAILS**

Sheet:  
**C3.03**



**Streetlight Point-of-Disconnect Diagram**

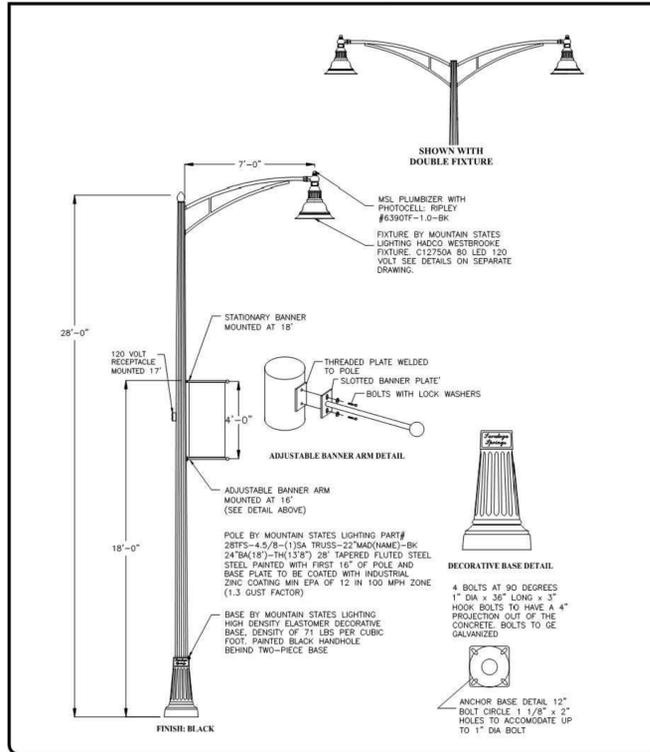


- Customer is responsible for:
- Providing and installing a junction box or pedestal, conduit, fusing and customer-owned wire. The junction box or pedestal must be strong enough for incidental traffic areas
  - Coordinating with Rocky Mountain Power on junction box or pedestal location and all digging within the vicinity of Rocky Mountain Power facilities
  - Ensuring that construction of new or remodeled installations conform to applicable provisions of the NEC State Rules, as well as city and county codes

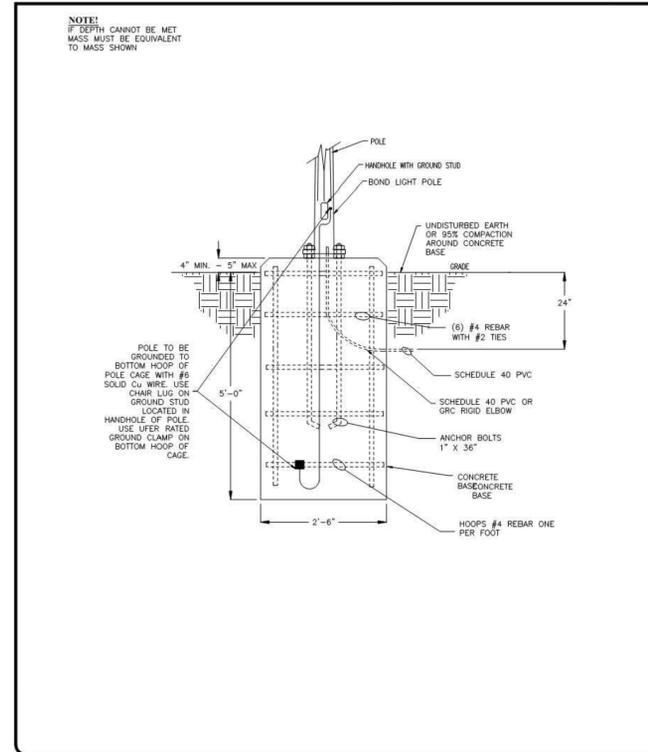
- Rocky Mountain Power is responsible for:
- Installing and connecting wire from Rocky Mountain Power facilities to the point of disconnect.



202



<b>28' ARTERIAL STREET LIGHT WITH BANNER ARM</b>	DATE: APRIL 2014	REVISIONS:	STANDARD DETAILS
	DESIGNER: LP-3A	COMMENTS:	STREET LIGHTS
	DRAWN BY: KTL		
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY	<b>LP-3A</b>



<b>CONCRETE BASE DETAIL FOR 28' ARTERIAL</b>	DATE: APRIL 2014	REVISIONS:	STANDARD DETAILS
	DESIGNER: LP-3B	COMMENTS:	STREET LIGHTS
	DRAWN BY: KTL		
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY	<b>LP-3B</b>

**SARATOGA SPRINGS CITY STREET LIGHT NOTES:**

- ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE MOST CURRENT SARATOGA SPRINGS CITY STANDARDS AND N.E.C. (NATIONAL ELECTRIC CODE). A STREET LIGHT PLAN SHOWING WIRING LOCATION, WIRING TYPE, VOLTAGE, POWER SOURCE LOCATION, CONDUIT SIZE AND LOCATION SHALL BE SUBMITTED TO SARATOGA SPRINGS CITY AND BE APPROVED PRIOR TO CONSTRUCTION. NO DEVIATION OF STREETLIGHT, PULL BOXES, CONDUITS, ETC. LOCATIONS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY ENGINEER OR HIS/HER REPRESENTATIVE.
- LOCATION OF THE STREET LIGHT POLE.
  - SHALL NOT BE INSTALLED WITHIN 5 FEET OF A FIRE HYDRANT. THE LOCATION SHALL BE SUCH THAT IT DOES NOT HINDER THE OPERATION OF THE FIRE HYDRANT AND WATER LINE OPERATION VALVES.
  - SHALL BE A MINIMUM OF 5 FEET FROM ANY TREE, UNLESS WRITTEN APPROVAL IS RECEIVED FROM THE CITY ENGINEER. BRANCHES MAY NEED TO BE PRUNED AS DETERMINED BY THE ENGINEERING INSPECTOR IN THE FIELD AT THE TIME OF INSTALLATION.
  - SHALL NOT BE INSTALLED WITHIN 5 FEET FROM THE EDGE OF ANY DRIVEWAY.
- ANTI-SEIZE LUBRICANT SHALL BE USED ON ALL COVER BOLTS AND GROUND BOX BOLTS.
- ALL SERVICE POINT(S) SHALL BE COORDINATED WITH ROCKY MOUNTAIN POWER AND WHENEVER POSSIBLE BE LOCATED NEAR THE CENTER OF THE CIRCUIT. SERVICE POINT(S) SHALL BE SHOWN ON THE PLANS.
- IT SHALL BE REQUIRED THAT IN THE ABSENCE OF AN EXISTING WORKABLE CIRCUIT TO ATTACH TO, THAT ALL INSTALLATIONS SHALL REQUIRE A NEW SERVICE FOR OPERATION OF THE CIRCUITS IN THIS CASE DEVELOPER AND/OR HIS ENGINEER SHALL CONTACT ROCKY MOUNTAIN POWER.
- THE CONTRACTOR SHALL FURNISH A COMPLETE SERVICE TO THE TRANSFORMERS AND CONTROL SYSTEMS IF REQUIRED ON THE PLANS AND/OR IS DEEMED NECESSARY BY ROCKY MOUNTAIN POWER AND/OR SARATOGA SPRINGS CITY.
- A STREET LIGHT PLAN SHOWING WIRING LOCATION, WIRING TYPE, VOLTAGE, POWER SOURCE LOCATION, CONDUIT SIZE AND LOCATION SHALL BE SUBMITTED TO SARATOGA SPRINGS CITY AND BE APPROVED PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE REQUIRED TO PERFORM A 10 DAY BURN TEST OF THE STREET LIGHTS AFTER THEY ARE CONNECTED AND ENERGIZED BY ROCKY MOUNTAIN POWER. THIS TEST SHALL BE COORDINATED AND WITNESSED BY A SARATOGA SPRINGS CITY ENGINEERING INSPECTOR.
- EACH STREETLIGHT SHALL HAVE ITS OWN PHOTO CELL INDEPENDENT OF A MASTER CONTROL.
- REFER TO THE CURRENT VERSION OF THE SARATOGA SPRINGS CITY STREET LIGHTING REQUIREMENTS.



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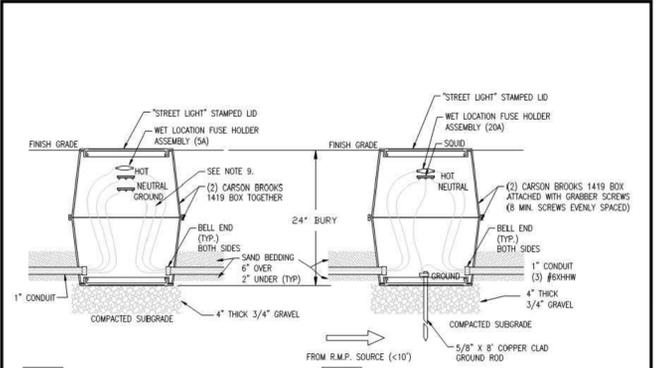
Project for:  
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

Revisions	Date	Description
Mark	6/30/2014	Conditional Use/See Plan Sub.

Project Number: 14-06  
 Plan Series: HET-SAS-09-05 (Style A)  
 Property Number: 500-4730  
 Date: February 1, 2014

Sheet Title:  
**STREET LIGHT DETAILS**

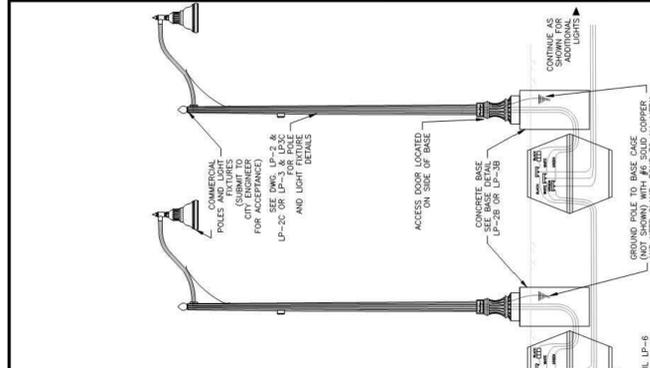
Sheet:  
**C3.04**



**A LIGHT POLE FUSE BOX DETAIL**      **B SERVICE CONNECTION FUSE BOX DETAIL**

- NOTES:**
- FUSE BOX / SLICE BOX ASSEMBLY SHALL BE (2) CARSON BROOKS 1419 BOLTED TOGETHER "CLAMHELL" STYLE. DRILL 1/4" HOLES IN EVERY CELL OF LID ON BOTTOM SIDE TO ALLOW DRAINAGE. INSTALL BOX ASSEMBLY ON 4" OF 3/4" GRAVEL. NO SUBSTITUTES.
  - FUSE ASSEMBLY SHALL BE (1) BUSSMAN HEB-JJ PN. 44229 WITH (2) BUSSMAN 2A0660. NO SUBSTITUTES.
  - WIRE CONNECTOR SHALL BE BLACKBURN USB335 SOLID PN. 2136122. NO SUBSTITUTES.
  - TERMINATE CONDUIT IN BOXES WITH BELL ENDS ATTACHED TO END OF CONDUITS.
  - ALL WIRE SHALL BE #6 CU XHHW UNLESS NOTED OTHERWISE.
  - 5/8" X 8" GROUND ROD REQUIRED AT SERVICE CONNECTION FUSE BOX.
  - LIGHT POLE FUSE BOX SHALL BE WITHIN 4' DOWNSTREAM OF POLE.
  - SERVICE CONNECTION FUSE BOX SHALL BE WITHIN 10' OF ROCKY MOUNTAIN POWER (RMP) SOURCE. CONFIRM INSTALLATION REQUIREMENTS WITH ROCKY MOUNTAIN POWER REPRESENTATIVE AND PACIFICORP'S LATEST SIX STATES ELECTRICAL SERVICE REQUIREMENTS DOCUMENT.
  - IF FIXTURE IS NOT INDICATED FOR INSTALLATION WITH CURRENT CONTRACT ONLY CONDUIT IS REQUIRED. SOME CONDUCTORS INDICATED MAY BE INSTALLED WITH FIXTURE UPGRADES.
  - SERVICE FUSE TO BE BUSSMAN KTK AND SIZED 5 AMP PER FIXTURE. POLE FUSE TO BE BUSSMAN KTK 5 AMP PER FIXTURE.

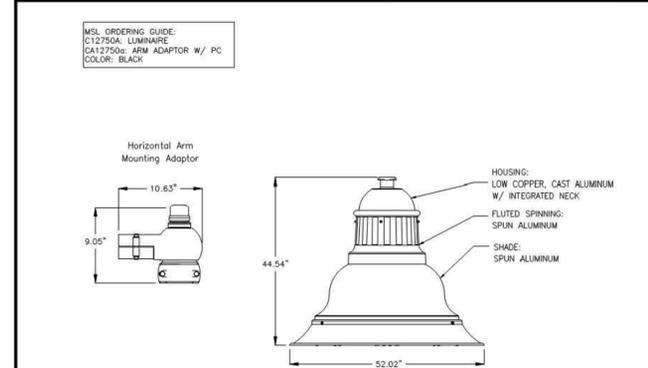
<b>LIGHT POLE BELOW GRADE BOXES INSTALLATION DETAILS</b>	DATE: APRIL 2014	REVISIONS:	STANDARD DETAILS
	DESIGNER: LP-6	COMMENTS:	LANDSCAPING
	DRAWN BY: KTL		
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY	<b>LP-6</b>



**COLLECTOR & ARTERIAL STREET LIGHT CONNECTION DETAIL**

- NOTES:**
- COMMERCIAL LIGHT POLES SHALL BE LOCATED AS INDICATED ON THE APPROVED LIGHTING SITE PLAN, AND AS DESCRIBED IN SECTION C3.04 OF THE CITY STANDARDS.
  - CONDUIT SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION C3.04 OF THE CITY STANDARDS, AND SHALL BE ACCEPTABLE TO THE CITY ENGINEER.
  - EACH COMMERCIAL LIGHT SHALL HAVE A JUNCTION BOX WITH:
  - FUSE LINE CONDUCTOR IN JUNCTION BOX WITH:
  - MARK JUNCTION BOX COVERS WITH "STREET LIGHTING".
  - INSTALL 1" SCH 40 PVC CONDUITS WITH 24" COVER AND SAND BEDDING.
  - WIRING FROM RMP POWER SOURCE TO JUNCTION BOXES TO BE SINGLE CONDUCTOR (NOT DUPLEX) # 6 AWG XHHW-2 CU, IN COLORS NOTED ON DETAIL.
  - CONDUIT SHALL BE INSTALLED WITHIN 10' OF THE LIGHT POLE AND TO MAIN FUSE BOX. PROVIDE CONDUIT LONG ENOUGH TO RUN TO MAIN FUSE BOX. PROVIDE CONDUIT LONG ENOUGH TO RUN TO MAIN FUSE BOX. PROVIDE CONDUIT LONG ENOUGH TO RUN TO MAIN FUSE BOX. PROVIDE CONDUIT LONG ENOUGH TO RUN TO MAIN FUSE BOX.
  - CONNECT GROUND WIRE TO METAL SHELL OF LIGHT POLE. BUSSMAN 2A0660. NO SUBSTITUTES.
  - FUSE ASSEMBLY SHALL BE (1) BUSSMAN HEB-AJ WITH (2) BUSSMAN 2A0660. NO SUBSTITUTES.
  - FUSE AT POLE SHALL BE BUSSMAN KTK OR EQUAL 5 AMP PER FIXTURE. MAIN FUSE BOX SHALL BE BUSSMAN KTK 5 AMP PER FIXTURE. NO SUBSTITUTES.
  - STREET LIGHTS ARE TO BE PLACED EVERY 300' ALTERNATING SIDES OF THE STREET AND AT ALL INTERSECTIONS.

<b>COLLECTOR &amp; ARTERIAL STREET LIGHT CONNECTION DETAIL</b>	DATE: APRIL 2014	REVISIONS:	STANDARD DETAILS
	DESIGNER: LP-5	COMMENTS:	STREET LIGHTS
	DRAWN BY: KTL		
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY	<b>LP-5</b>



**ARTERIAL STREET LIGHT LUMINAIRE**

- Philips LED Luminaire Specifications:**
- 64, 4000K (NEUTRAL) PHILIPS LUMINAIRE LUXEON R LED, TYPICAL 75 COLOR RENDERING INDEX (CRI), >65,000 HOURS OF OPERATIONAL LIFE (AT 25°C AMBIENT TEMPERATURE & 70% LUMEN MAINTENANCE), INJECTION MOLDED TYPE III OPTICAL PLATES.
  - INTEGRAL PHILIPS ADVANCE TITANIUM LED DRIVER, CLASS 1, IP66 RATED, 350mA, INTELLECT 120 VAC, 50-60 Hz, RUSH COMPLIANT, STANDARD BUILD IN >3W SURGE SUPPRESSION, UL8750 & UL1588 COMPLIANT, ETL/ETL LISTED TO U.S. & CANADIAN SAFETY STANDARDS FOR WET LOCATIONS, MANUFACTURED TO ISO 9001:2008 STANDARDS, VIBRATION TESTED TO ANSI C136.31 FOR BRIDGE APPLICATIONS.

<b>ARTERIAL STREET LIGHT LUMINAIRE</b>	DATE: APRIL 2014	REVISIONS:	STANDARD DETAILS
	DESIGNER: LP-3C	COMMENTS:	STREET LIGHTS
	DRAWN BY: KTL		
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY	<b>LP-3C</b>



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**City of Saratoga Springs**  
**City Council Meeting - Work Session**  
**October 07, 2014**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Work Session Minutes**

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**Present:**

Mayor: Jim Miller

Council Members: Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,  
Nicolette Fike, Mark Edwards, Sarah Carroll

Others: Hugh Holt, Mark Vlasic, Chris Porter, Jennifer Klingonsmith

**Excused:** Michael McOmber

**Call to Order** – 6:00 p.m.

**1. Discussion of Shay Park**

Mark Vlasic presented the plan for the park. He noted the unique rail structure that ran through the park and the historic nature that lent to the area and features. The park is planned in two phases. They are proposing a rail theme bridge from the eastern parking to the rest of the area. There is a trail system around the park that links to the community trails and to amenities.

Mark Edwards wanted to note that they needed to discuss what they could bid as additive alternates and things that may need to be put off to another phase due to budget constraints.

Councilwoman Baertsch asked what the permits and fees and traffic control items were.

Mark Vlasic noted they were typical fees for a project like this.

Mark Edwards noted that we would waive our own city fees but if there were other utilities like power or TSSD that we needed to hook up may have fees. He noted that there would be a pretty industry standard figure for excavation fees.

Mark Vlasic had some concept pictures of rustic playground features, bridges and lighting and paving and other architecture around the park.

Councilwoman Baertsch asked about lighting wise, could we save some money with our bell lights that are already a little old fashioned looking.

Mark Vlasic indicated that there would be two signs designed for the park with some historic notes.

Mayor Miller would like to see the park name signs in phase 1.

Kevin Thurman asked about the bathrooms with screened doors and if it would be a problem with the police department and being able to keep them in sight.

Staff noted they are trying to keep a good line of vision for safety and are working to find a good solution.

Mark Vlasic touched on the budget and that they have tried to make it a functional park to begin with and then they could add the other phase and items if the budget comes in the spring.

Mark Edwards wanted to point out that they started with a nice list that made the budget very high and they whittled it down to fit a budget of 2.5m.

Councilwoman Call is looking at the bottom line and wants to make sure we stay within budget.

Spencer Kyle replied that we need direction on priorities, what do we do now and what do we wait on and what gets cut if needed. Or do we postpone until we get all the money in.

Councilwoman Baertsch asked if we were to forego the bridge and the berm, than how much would we save.

Hugh Holt noted that the costs would be about even with the cut and fill work that would need to be done.

Councilwoman Call likes the park and design, but wonders if we are doing this first or if the other baseball park goes first if it's more of a priority, or gets put off.

Spencer Kyle said the council had previously prioritized the parks and this was higher on that list.

54 Councilwoman Baertsch noted that we don't really have the land yet for the baseball park.  
55 Councilwoman Call said if our number one goal was baseball than she asked is there something we can do  
56 there. Is there another solution to look at?  
57 Councilman Poduska wondered if it may be a helpful idea to have phase one be one area of the park.  
58 Spencer Kyle summarized that the options are we can pull things back, but many of the items don't give us  
59 the savings that we need. The next option would be waiting. Could the Council maybe give direction to  
60 prioritize items in phase one.  
61 Councilman Willden thinks if we take too much out of phase one than it's not worth it. He thinks baseball is  
62 important but likes the prioritization of this park.  
63 Mayor Miller said it's hard, because this benefits a neighborhood and has been promised, the baseball park  
64 benefits more of the city.  
65 Councilwoman Call asked if we were willing to wait 5 years to save for a baseball field or go ahead with this  
66 and bond for the field  
67 Councilman Willden would be more likely to bond for the baseball field. He would say go with this park and  
68 wait or do the bonding for the baseball field. At least with the baseball field there is some revenue  
69 associated with it.  
70 Spencer Kyle noted that with the baseball field there is a higher chance of needing to purchase the property.  
71 Councilman Poduska asked if we could take funds from another area to move to this project.  
72 Spencer Kyle noted that it was not so likely, but they could run the numbers.  
73 Councilman Poduska agreed with Councilman Willden that it would be better to do this park now, even if  
74 items need to be put off for it and bond for the baseball park.  
75 Spencer Kyle asked Councilman Willden if he was suggesting to pull back on phase one or wait until there  
76 was sufficient funds.  
77 Councilman Willden was not sure which would be the better path, they seemed parallel.  
78 Spencer Kyle suggested that we maybe need to come back with two things; how much of phase one we could  
79 start, and run some numbers with Chelese and see how far out the remaining funds may be.  
80 Jeremy Lapin noted that we perhaps have enough and could put items on the menu to put it up for a bid at  
81 this point.  
82 Councilwoman Call said if we put it up to bid we don't have to build it, we could walk away.  
83 Spencer Kyle said we could put it up for bid and see what the numbers would be, or do we scale it back  
84 before we go to bid.  
85 Councilman Willden thought we could do the bid and then we could pull out certain things. He said it was a  
86 great design.  
87 Mark Edwards asked the consultants if they saw any red flags at this point.  
88 Mark Vlasic noted when you do it in phases it can cost more for mobilization. Hugh asked what to show the  
89 public tomorrow at an open house.  
90 Councilwoman Call is uncomfortable taking things to the public when we don't know what we are doing.  
91 Councilwoman Baertsch noted that it was only a concept that we are showing them.

## 93 2. **Agenda Review:**

- 94 a. **Discussion of current City Council agenda staff questions.**
- 95 b. **Discussion of future City Council policy and work session agenda items.**

96  
97 Councilman Willden asked that the code review was fairly large and if it was possible to take just some parts  
98 at a time.  
99

## 100 3. **Discussion of proposed Administrative Code Enforcement Policies and Procedures.**

101 Kevin Thurman had a rough draft to share. It is a summary of many of the items in Title 20 of the city  
102 code and answers many questions he gets asked on a regular basis.  
103 Councilman Willden noticed sometimes that there is a three strikes type of thing, could it be more clarified  
104 on occurrence based or violations issued, e.g. if a dog gets out and has three problems.

Kevin Thurman said it's been that CEO writes it. They usually writes it as one citation, then the next time a violation is issued it would escalate. He said we could add that into policies and procedures. He wanted to bring this to their attention before it came up in council.

Councilwoman Call asked that when we use acronyms that are common elsewhere like CEO (Code Enforcement Officer) that we spell it out more so it doesn't get confused.

Kevin Thurman noted this would be more of an internal document and that probably wouldn't be a problem. Councilwoman Baertsch noted that normally we have definitions up front.

Councilwoman Call would like fees schedule out rather than inside a paragraph. She had other notes that she will get to Kevin so he can incorporate ideas.

**4. Reports:**

**a. Mayor.**

**b. City Council.**

Councilwoman Call notified the council that there was an algae bloom that killed a dog across the lake in Lindon.

Spencer Kyle asked if they wanted any statements from the city. The feeling was nothing was needed.

Councilwoman Baertsch had items from MAG meeting that was on Thursday night, they may need to have a work session on that to make sure there are no last changes to be done. There are transit open houses coming up on Oct. 8, 15, and 22<sup>nd</sup>.

**c. Administration communication with Council.**

Mark Christensen had a note about 911 dispatch center that he sent an email about for Council to review. They will probably schedule it for a future work session.

Councilwoman Call asked about the projected balance in park impacts for spring time.

Mark Christensen said we seemed to be on target for what we projected; at this point it's hard to say we may be beyond or not.

**Adjourn to Policy Session 7:00 p.m.**

---

Date of Approval

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Lori Yates, Rec

## Policy Session Minutes

### **Present:**

Mayor: Jim Miller

Council Members: Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Scott Langford, Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin, Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton, Nicolette Fike

Others: Heather White, Chris Porter, Jennifer KlingonSmith, Goreland Hitton, Peter Evans, Marianne Richards, Ben Richards, Corrine Prestwich, K. Becraft, Curtis Leavitt, Brian Marrow, Mike Kelly

Excused: Michael McOmber

**Call to Order** - 7:06 p.m.

**Roll Call** - Quorum was present

**Invocation / Reverence** - Given by Councilwoman Baertsch

**Pledge of Allegiance** - led by Ben Richards

### **Public Input - Opened** by Mayor Miller

Corrine Prestwich was concerned with the safety along 800 W. Her main concern was about striping that has not been completed. People unfamiliar with the busy road are turning into the wrong lanes. As the weather is getting worse they don't want it to cause more problems. They were excited for Talus Ridge to come in and see the new growth along the area, but the main concern has been safety along the main corridor.

Jeremy Lapin had a quick update; striping was a different contractor than the sealers so there would be a delay. He noted that Mark Edwards had been in contact with Edge homes to help with safe walking.

Spencer Kyle noted they had received a note of the safety plan from Edge homes and that there is a Facebook page edge homes has set up to help residents.

Councilwoman Call asked Jeremy Lapin to touch on the new Cityworks program so public can submit concerns.

Jeremy Lapin noted it was a system that they can submit something and receive email updates, its a few months until roll out on that.

Councilwoman Baertsch asked if Pony Express was also on that striping.

Jeremy Lapin would get back to her on that.

### **Public Input - Closed** by Mayor Miller

### **Policy Items**

#### **1. Consent Calendar:**

- a. Final Plat for Sierra Estates Plat D located at approximately 600 West 400 North, Scott Dunn/Patterson Homes, applicant.
  - i. Resolution R14-43 (10-7-14): Addendum to resolution of the City of Saratoga Springs pertaining to the City Street Lighting Special Improvement District to include additional subdivision lots. (Sierra Estates Plat D)
- b. Approval of Minutes:
  - i. September 16, 2014.

**Motion by Councilwoman Baertsch that we approve the Consent Calendar: Including Final Plat for Sierra Estates Plat D and Resolution R14-43 (10-7-14): Addendum to resolution of the City of Saratoga Springs pertaining to the City Street Lighting Special Improvement District to include additional subdivision lots. (Sierra Estates Plat D); and approve the minutes for September 16, 2014. Including previously emailed changes from Councilwoman Baertsch and Councilwoman Call Seconded by Councilwoman Call Aye: Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Councilman Poduska Motion passed unanimously.**

192 **2. Resolution R14-44 (10-7-14): A resolution of the Saratoga Springs City Council in support of the**  
193 **Camp WG Williams Joint Land Use Study and the adoption of the MCA overlay zones.**

194 Kimber Gabryszak presented the overlay zones and notes on the background. She noted the different  
195 subzones and recommendations. There were potential impacts from Camp Williams to the communities  
196 and from the Communities to the Camp. It is non-binding, it has the city add the MCA's to the map as a  
197 resource.

198 Councilman Willden is supportive of this, understanding its non-binding and a best practices type of thing. It  
199 would serve us to be a good partner.

200 Councilwoman Baertsch has served with JLUS committee. They are working to make sure property rights  
201 are upheld and still make sure the military can do their missions and take safety measures. She thinks this  
202 has been great to give us the opportunity to look at our code to see if there is anything we can do to help  
203 them and for them to help us.

204 Councilwoman Call echoed Councilman Willden's comments and thinks it is great all around.

205 Councilman Poduska wondered if there was anything the city had done before the agreement with JLUS, to  
206 avoid those things now.

207 Councilwoman Baertsch noted some of the biggest impacts have been that with Herriman City, they put in  
208 windmills in the flight path that has to be rerouted. There were also some areas where night training had  
209 been impacted by large areas of light.

210 Councilman Poduska noted that those at Camp Williams come to our city for shopping and thinks it's a win-  
211 win situation to have us cooperate as much as possible.

212 Mayor Miller thinks it's good for the city so people moving in can see it on the map so they know what is  
213 there.

214  
215 **Motion by Councilwoman Call that we approve Resolution R14-44 (10-7-14): A resolution of the**  
216 **Saratoga Springs City Council in support of the Camp WG Williams Joint Land Use Study and**  
217 **the adoption of the MCA overlay zones. Seconded by Councilman Poduska. Aye: Councilman**  
218 **Willden, Councilwoman Baertsch, Councilwoman Call, Councilman Poduska Motion passed**  
219 **unanimously.**  
220

221 **Item 3 was moved to further in the meeting.**  
222

223 **4. Preliminary Plat for Mallard Bay located between 2800 South-3000 South and Redwood Road, Holmes**  
224 **Homes, applicant.**

225 Sarah Carroll presented the Preliminary Plat. She noted areas where changes have been made. She noted the  
226 Green spaces with native landscape and manicured areas. Some of the open space is sensitive lands.  
227 They are proposing a private fence along Redwood Road that was not supported by Planning  
228 Commission. She indicated the different phases proposed. She showed concepts for entrance signs and  
229 touched on parks and amenities. The parks would eventually be used as trailheads.

230 Curtis Leavitt, for applicant, noted some of the amenities in the development and was looking forward to  
231 coming into the city. He had a presentation to support the type of fencing they were proposing. Some  
232 places with semi-private fencing tend to have people try and put in their own privacy fence behind the  
233 semi-private which looks bad.

234 Brian Marrow with Rhino Rock spoke briefly on his product and the concerns with having semi-private  
235 fencing. He noted other cities that have changed their code so the privacy fencing was allowed.  
236

237 Mark Christensen asked what the cost was with rhino fencing vs. the wrought iron look they propose and if  
238 their proposal was that the homeowners own the fence or the city.

239 Brian Marrow replied it was about double and they had proposed the city would take ownership.  
240

241 Councilwoman Baertsch asked about an abandoned parcel and if ownership had been resolved.

242 Curtis Leavitt said it had.

243 Councilwoman Baertsch asked about drainage on an area near the lake.

244 Curtis Leavitt said they needed to apply to Army Corps to work with that and it was in a later phase because  
245 it would take some time to get through that.

246 Councilwoman Baertsch said it made her nervous to approve a plat where something like that hasn't been  
247 taken care of yet.

248 Mayor Miller thought worse case that they just have more native landscape.

249 Curtis Leavitt said they lose a lot.

250 Councilwoman Baertsch asked where the drainage would be moved to.

251 The developers Engineer answered that the owner to the south had talked about realigning the entire drainage  
252 area to his property.

253 Councilwoman Baertsch noted a cul-de-sac that was awkward and she noted a lot that was under the 10,000  
254 sq.ft. On the open space, she had a hard time when they had to mobilize crews to several areas that are  
255 not contiguous. She also noted the city could not take care of the trails between lots. This was also less  
256 than 5 acres and the standard was generally not to take spaces smaller than that. She is leaning more  
257 towards the semi-privacy fencing to keep with Code and Planning Commission recommendation.

258 Councilwoman Call she loves the lakeside trail and how our city embraces it. She likes the idea of having  
259 the trailhead area and being able to park there. She is not a fan of HOA's but it would cost the city a lot  
260 of money to take care of this type of smaller area. She understands they are trying to provide an amenity  
261 to the city as a whole, but feels in order for the city to take that over she feels it needs to be more cost  
262 efficient. She doesn't think the privacy fence is the way to go and doesn't want to maintain the product.  
263 She likes the sign but doesn't want to take that cost as a city. She is surprised that the lake lots were in  
264 later phases.

265 Curtis Leavitt noted that a lot has to do with banking open space before they can move forward with the lake  
266 lots.

267 Councilwoman Call thanked him for doing the larger lots and trying to do a development without an HOA.

268 Curtis Leavitt asked if they had an HOA in place to maintain the privacy fence would they be willing to  
269 allow it.

270 Mark Christensen said from a staff perspective if the fence was private and privately maintained he would be  
271 more inclined to approve it but it's up to Council and the code discussion.

272 Councilwoman Call commented that they are looking at out of the box solutions and if he were to come to an  
273 agreement with combining open space with the next parcel than perhaps they could take that over as a  
274 city. She thinks the project is great and thanked him for trying to find a way to work with the city.

275 Councilman Poduska said several of his notes have been addressed. He thinks with this development, with  
276 small parks and monuments that it leans more to an HOA. He believes most of the green areas will be  
277 used solely by the residents in this development and not the city as a whole. He also questions the  
278 lakeside lots being pushed to later phases. He thinks the private fencing would be a major policy change.  
279 He asked if the lake trail was mandated by the state.

280 Councilwoman Call said in most boundary line agreements, yes.

281 Councilman Poduska agrees generally with the changes made in the plan, there were just a few things that  
282 were cause for concern.

283 Councilman Willden indicated many of his notes had been covered. He noted that the city doesn't usually  
284 take care of smaller parks like this.

285 Mark Christensen noted that it depended on the Development Agreements; there were some areas where they  
286 did maintain them along Redwood road.

287 Councilman Willden doesn't like the HOA's so much but feels with the monument and solid fence and  
288 smaller parks that it seemed to be more for an HOA. If it was an HOA he would be more willing to go  
289 along with the solid fence.

290 Mayor Miller likes the theme of the area. He agrees with Councilman Willden that if it was an HOA he  
291 would be more willing to go along with the solid fence.

292 Sarah Carroll noted that they could delete some of the conditions if it was going to be an HOA.

293 Councilwoman Baertsch asked if it would be better to postpone the item for later or approve preliminary now  
294 knowing the changes would be coming.

295 Sarah Carroll replied that they could come back with changes at final plat time, there could be those  
296 conditions added. She mentioned that Redwood Road and Lakeshore trails were part of whole  
297 community trails; they would need a public easement.

298 Councilwoman Baertsch asked if they could bring back the preliminary with the first final plat.  
299 Sarah Carroll asked that they ask applicant what they would need to work with their deadlines.

300 Curtis Leavitt said they need some time to regroup with changes and would like them to make a motion with  
301 conditions tonight and they could come back with changes.

302 Councilwoman Call asked with the lakeshore trail being a stipulation, she thinks having it accessible to the  
303 community would be a benefit. Would they consider keeping the parking but eliminating other things.

304 Curtis Leavitt replied that they could consider it but can't make the decision without looking at all of it.

305 Councilwoman Call felt that the cul-de-sac did look awkward but was ok with it. It was mentioned there was  
306 to be a culvert behind it they needed to avoid and so had not stubbed it out at that point.

307 Sarah Carroll went over the conditions listed in the report.

308 Kevin Thurman suggested that they say that fencing meet Code and not note a specific type of fencing.  
309 Councilwoman Call asked what had been done on some recent developments.

310 Sarah Carroll replied that on Wiltshire they had allowed a mix of fencing, solid if it didn't block view  
311 corridors. This development wouldn't block the view in the same way. With D.R. Horton they allowed  
312 private because they would maintain it and it was behind a berm.

313 Kevin Thurman said they wanted to avoid creating specific zoning and land use descriptions on development  
314 by development basis. It's best to fall back on the code. Address the maintenance here and default to the  
315 code.

316 Sarah Carroll continued with the recommended conditions. She suggested that they should address the trails.  
317 Kevin Thurman commented that it would be better to not have open ended conditions.

318 Councilwoman Call asked on the amenities, if they are meeting the minimum for public why would we  
319 delete in required open space when it's private.

320 Sarah Carroll said they have created the amenities to benefit the public but if they were HOA maintained  
321 they would change the amenities to design it for an HOA.

322 Councilwoman Call told the applicant that with so many conditions changed they didn't want to slow them  
323 down but we want to do it right. She didn't want misunderstandings.

324 Curtis Leavitt didn't want to back himself into a corner. He didn't know how to address so many open ended  
325 items.

326 Sarah Carroll said they could give feedback to what the city was willing to accept as public open space  
327 Councilwoman Baertsch suggested that they could work with the adjacent land owner with parks.

328 Curtis Leavitt said they have spent a lot of time with the adjacent owner and they have provided everything  
329 he needed to take care of the items they needed for infrastructure but he does not want to move forward  
330 any time soon.

331 Councilwoman Call said we need to note if we are accepting the trail. She would not be willing to take over  
332 the maintenance of the trail; she would rather seek an easement.

333 Councilman Willden said his main hang up is the city taking over the open space or having and HOA.  
334 Curtis Leavitt would like to move forward and if they turn it into an HOA it would be stepping back a little  
335 and they would come at it differently with the open space.

336 Councilwoman Baertsch thinks as it stands it's going to be an HOA. She thinks he would want to change it  
337 enough that it may be better to come back with a preliminary plat again with those changes so council  
338 can make more clear conditions.

339 Councilman Willden suggested that he reach out to the Council individually to work through some issues.  
340 Curtis Leavitt indicated that they are trying to create something the public is calling for which is areas  
341 without an HOA.

342 Councilman Willden asked Councilwoman Call, if they got up to 5 acres than would we be willing to accept  
343 the areas?

344 Councilwoman Call clarified that they usually do 5 acres that are contiguous.

345 Kevin Thurman reminded that 5 acres is not a binding term, they can adjust to their discretion.

346 Mike Kelly, Landscape Architect noted that there was 7 continuous acres that would need some sort of  
347 maintenance and when the trails were complete they would be very much used and things would need  
348 taken care of.  
349 Councilwoman Baertsch does not feel that what needs to be maintained is truly contiguous with the native  
350 areas around it. She is looking for more usable areas. There is a lot of space between the areas crews  
351 would need to mobilize to.  
352

**Motion by Councilwoman Call, I Move that we table the Preliminary Plat for Mallard Bay located  
353 between 2800 South-3000 South and Redwood Road, Holmes Homes, applicant with direction that  
354 it comes back. Second by Councilman Poduska. Aye: Councilman Willden, Councilwoman  
355 Baertsch, Councilwoman Call, Councilman Poduska Motion passed unanimously.**  
356  
357

358 A 5 min. break was taken at this time.  
359

360 **3. Public Hearing: Revisions to Title 19 of the City of Saratoga Springs Land Development Code.**

361 **a. Ordinance 14-23 (10-7-14): An Ordinance of the City of Saratoga Springs, Utah, adopting**  
362 **amendments to the Saratoga Springs Land Development Code and establishing an effective date.**

363 Kimber Gabryszak presented the proposed changes to the Land Development Code. She summarized each  
364 section separately.

365 Councilwoman Baertsch asked which things they would be grandfathering for Land Use Zones

366 Kimber Gabryszak replied that there were some un-permitted structures that might be in side or front yards  
367 that would be grandfathered in. They have looked at the aerial photo of the city currently and identified  
368 several accessory buildings that are currently in either front or street side yard. They physically visited  
369 them and there were only a fraction that would be in violation still with the new changes. Planning  
370 Commission recommended that for those existing that don't comply, that they be grandfathered in to  
371 compliance.

372 Kimber Gabryszak continued with 19.05 with the changes and recommendations from Planning  
373 Commission. She showed a few examples from around the city to clarify.

374 Councilman Willden asked where a specific building fell.

375 Kimber Gabryszak noted it was a back yard to a back yard and would be conforming.

376 Kimber Gabryszak continued with 19.06 Landscaping and Fencing. The recommendation from Planning  
377 Commission was to have privacy along trails by roads, excluding arterials. Staff recommends  
378 considering major collectors as well.

379 Councilwoman Baertsch noted that where there was greenery and space the privacy on the collectors is not a  
380 problem.

381 Councilwoman Call made the argument with Redwood Road that there is a berm and the privacy fencing  
382 doesn't get in the way of the view.

383 Spencer Kyle noted that one of the reasons they had for that was that where the semi-private was along the  
384 trail it helped to keep the trails clean and maintained.

385 Councilwoman Call would suggest to increase the fees for those people that don't clean up.

386 Councilman Willden noted that he doesn't want to put of developers out for a few people that don't take  
387 care. He would agree with Councilwoman Call.

388 Spencer Kyle indicated that in other cities it had more to do with along canals and private fencing along  
389 those.

390 Councilman Willden said he wouldn't like to have a house along the major road that didn't have a private  
391 fence; he didn't think it was marketable.

392 Mark Christensen noted that there are arguments for and against.

393 Councilwoman Call would go back to what Kevin Thurman suggested previously to put the policy in place,  
394 that if privacy didn't obstruct view corridors and there was enough greenery and things than they could  
395 allow them. There were places like Harvest Hills where privacy fences were not an issue because of the  
396 greenery and space.

397 Kevin Thurman said there could be a list of factors or criteria as to when they could have privacy. He noted it  
398 was probably a case by case decision, not a one size fits all.

399 Councilman Willden thought it was a good point, that there were instances where you wouldn't want a privacy  
400 fence.

401 Councilwoman Baertsch asked could they set up specific items, so a privacy fence may be allowed along  
402 these roads where a.b.c...

403 Kimber Gabryszak noted that if they wanted to call along a view corridor maybe they should define what a  
404 view corridor was. We could pull the Fencing for tonight. There were some thoughts about opaque  
405 fencing along agricultural operations.

406 Councilwoman Baertsch clarified that an opaque fence along agricultural operations be required if that was  
407 for the Ag owners or developers and what if the people didn't want an opaque fence, wanted to see the  
408 agricultural area.

409 Kimber Gabryszak noted that would be the new developer's responsibility.

410 Councilwoman Call could see that if we don't require it than the farmers would be too concerned about  
411 liability and would then need to put up a new fence at their own expense.

412 Kimber Gabryszak noted they could take out opaque and just leave fencing.

413 Kevin Thurman noted that as a Fenced-in State it deals with responsibility of the animals and not Land Use  
414 Zones.

415 Councilwoman Baertsch thought it should still be a solid fence.

416 Kimber Gabryszak continued with explanations, that smaller caliper trees survived better and they were  
417 reducing the caliper and she noted the tree preservation requirement. She went over other proposals in  
418 this section.

419  
420 Mayor Miller heard suggestion that we stop with this section and continue the other sections at another week.

421 Kimber Gabryszak asked if we could do 19.09 with the small changes.

422 Council had a few quick clarification questions.

423 Kevin Thurman said they didn't want to have different rules on every development. You want to default  
424 back to the code whenever possible. You could hold a developer to a less restrictive requirement.

425  
426 **Public Hearing Open** by Mayor Miller

427 Chris Porter spoke about Landscaping and Fencing. He wanted to point out that in 19.06.09 that it said in  
428 front yards it said no fence over three feet tall. He noted the average picket fence was 39 in.

429 Councilwoman Baertsch commented that the average height was not to the top of the picket but the solid  
430 part.

431 Chris Porter said on 19.06.04 that by putting the residential in with commercial and industrial than it  
432 makes it kind of mishmash with a lot of requirements that don't apply to residential. As currently  
433 listed the following things would be restricted, Japanese rock gardens, Dessert landscape, Brazilian  
434 Jungle. Just because the council doesn't think it's beautiful doesn't mean the council should be  
435 prohibiting it on a person's private property. It should be more about what a property owner wants  
436 to do with their own land. The code is unnecessarily restrictive. Each resident represents about a  
437 \$200,000 investment and owners could be trusted to look after their property and improve it the way  
438 they fit. If a homeowner wants to live in a more restrictive area they could live in an HOA. The  
439 former mayor was famous for asking "is this my job?" and when it comes to restricting property  
440 owners in designing their own yard, the answer is no.

441 Pete Evans with Flagship Homes, they are owners of proposing to re-plate an area of Fox Hollow for a  
442 less dense zone. His comment is on shared driveways, and as it is proposed it limits 4 units per  
443 shared driveways and industry standards is really 6 – 8. You are trying to avoid a narrow drive  
444 coming in and a traditional driveway coming off that. If allowed this would make more efficient  
445 clusters. Allowing the 6-8 pack would make more flexibility in a creative product that is popular in  
446 other areas, it allows similar density to townhome product with a detached product with small rear  
447 yard.

448 **Public Hearing Closed** by Mayor Miller

449  
450 Councilwoman Baertsch asked if they were to allow for 6-8 would there be requirements for additional  
451 parking.

452 Kimber Gabryszak said there would be an additional parking requirement and it could be near the cluster of  
453 the units.

454 Mark Christensen thought there were some interesting points raised with that. They can bring it back and he  
455 would like to see how it pans out before they make a decision on the driveways.

456 Councilwoman Call would be in favor of continuing this item to the next meeting.  
457

458 **Motion by Councilwoman Baertsch to continue the changes to Land Development Code in ordinance**  
459 **14-23 to the next meeting. Seconded by Councilwoman Call Aye: Councilman Willden,**  
460 **Councilwoman Baertsch, Councilwoman Call, Councilman Poduska. Motion passed unanimously.**  
461

- 462 5. **Motion to enter into closed session to discuss the purchase, exchange, or lease of property, pending or**  
463 **reasonably imminent litigation, the character, professional competence, or physical or mental health of**  
464 **an individual, and deployment of security personnel, devices, and systems.**  
465

466 **Council Councilman Willden made a motion to enter into closed session for the purchase, exchange, or**  
467 **lease of property, pending or reasonably imminent litigation, the character, professional**  
468 **competence, or physical or mental health of an individual. Seconded by Councilwoman Baertsch.**  
469 **Aye: Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska**  
470 **and Councilwoman Call. Motion passed unanimously**  
471

472 Meeting Adjourn to Closed Session 9:18 p.m.  
473

474 **Closed Session**  
475

476  
477 **Closed Session Opened at 9:20 p.m.**  
478

479 Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Mark Christensen,  
480 Kevin Thurman, Spencer Kyle, Nicolette Fike, Heather White, Andrew Burton, Steve Hansen, Owen Jackson  
481

482 **Closed Session Adjourned at 10:22 p.m.**  
483

484 **Policy Meeting Adjourned at 10:22 p.m.**  
485  
486  
487  
488

489 \_\_\_\_\_  
Date of Approval

489 \_\_\_\_\_  
Jim Miller, Mayor

490  
491  
492  
493 \_\_\_\_\_  
Lori Yates, Recorder  
494

# City Council Staff Report

**Author:** Chelese Rawlings, Finance Manager  
**Subject:** First Quarter Budget Financial Statements  
**Date:** October 21, 2014  
**Type of Item:** Informational



## Description

### A. Topic

Attached are the first quarter budget financial statements for the fiscal year 2014-2015.

### B. Background

The budget document was adopted by the Council on June 17, 2014. The attached reports show the actuals in comparison to the budget up to September 30, 2014.

### C. Analysis/Overview of the General Fund

Revenues in comparison to last year first quarter:

- Collected over \$98,000 more in tax revenue, a majority of which is in fee-in-lieu.
- Collected more than \$52,000 more in licensing and permits, a majority of which is in building permits.
- Collected more than \$49,000 less in intergovernmental revenue, a majority of which is in class "C" road funds, did not receive the allocation in September, it is expected in October.
- Collected approximate the same in charges for services in comparison to last fiscal year.
- Collected about \$14,000 more in other revenue, a majority in sales of assets.

Expenditures in comparison to last year first quarter:

- Expended less than \$440,000 more in general fund expenses, a majority in police, non-departmental, public works department, parks and fire.
  - A significant reason for the minor increases in expenses of all the general fund department expenditures is the increase in salaries that was approved during the budget process.
  - Another reason for the increase is benefits that incrementally increase every year that are not controlled by council or staff, such benefits are: URS retirement, health benefits, dental benefits, etc.
  - Also, the purchase of equipment in parks, and expenses of a Wiland fire contributed to the increase in expenses.

#### **D. Summary**

The City of Saratoga Springs is under the 25 percent threshold of expenditures to date. The threshold is determined to be 25 percent because the first quarter reflects a quarter of our budget.

The revenues are under the 25 percent threshold as well, but the City has not yet received a majority of our property tax revenues budgeted. These taxes are mostly collected in December and will be reflected in the second quarter's report.

Due to the way our current general ledger structure is set up, the beginning fund balance is added as budgeted revenue to be included with the revenues currently received. These monies were collected in previous years and are being used in the current year to balance the budget for projects in which will now be using the funds. The following chart shows what the current revenue percentage is without the beginning fund balance.

<b>Fund</b>	<b>Percent of Total Revenue Collected without Beginning Fund Balance included in Total Revenue</b>
Street Lighting SID S. R. Fund	28.60%
SSD Street Light SID S. R. Fund	25.00%
Storm Drain - Capital Proj Fund	35.00%
Parks - Capital Projects Fund	41.60%
Roads - Capital Projects Fund	68.90%
Public Safety - Capital Projects Fund	32.00%
Capital Projects Fund	26.20%
Sewer Fund	28.50%
Waste Water	27.40%
Storm Drain Enterprise Fund	25.00%
Culinary Water Capital Project Fund	9.50%
2ndary Water Capital Project Fund	5.70%
Water Rights Fund	68.60%

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
TAX REVENUE	581,287	5,960,150	5,378,863	9.8
LICENSES AND PERMITS	206,767	582,100	375,333	35.5
INTERGOVERNMENTAL REVENUE	14,226	807,884	793,658	1.8
CHARGES FOR SERVICES	450,848	1,528,778	1,077,930	29.5
OTHER REVENUE	334,645	1,329,693	995,048	25.2
ADMINISTRATIVE CHARGES	492,010	1,968,044	1,476,034	25.0
CONTRIBUTIONS & TRANSFERS	0	105,186	105,186	.0
	<u>2,079,784</u>	<u>12,281,835</u>	<u>10,202,051</u>	<u>16.9</u>
<u>EXPENDITURES</u>				
LEGISLATIVE DEPARTMENT	49,566	115,772	66,206	42.8
ADMINISTRATIVE DEPARTMENT	134,878	555,188	420,310	24.3
UTILITY BILLING DEPARTMENT	27,473	141,723	114,250	19.4
TREASURER DEPARTMENT	38,172	148,183	110,011	25.8
RECORDER DEPARTMENT	20,149	124,211	104,062	16.2
ATTORNEY DEPARTMENT	57,934	268,485	210,551	21.6
JUSTICE COURT DEPARTMENT	47,616	222,946	175,330	21.4
NON-DEPARTMENTAL	196,911	352,133	155,222	55.9
GENERAL GOV'T BLDGS & GROUNDS	35,158	186,248	151,090	18.9
PLANNING AND ZONING DEPARTMENT	89,997	345,027	255,030	26.1
COMMUNICATIONS DEPARTMENT	31,880	109,510	77,630	29.1
POLICE DEPARTMENT	759,951	2,821,057	2,061,106	26.9
POLICE DEPARTMENT - BLUFFDALE	205,776	788,677	582,901	26.1
FIRE DEPARTMENT	448,114	1,534,507	1,086,393	29.2
BUILDING INSPECTION	98,084	564,256	466,172	17.4
GRANT EXPENDITURES	0	109,463	109,463	.0
STREETS DEPARTMENT	61,351	659,915	598,564	9.3
PUBLIC WORKS DEPARTMENT	86,142	464,925	378,783	18.5
ENGINEERING DEPARTMENT	151,168	432,801	281,633	34.9
PUBLIC IMPROVEMENTS	27,163	488,834	461,671	5.6
PARKS & OPEN SPACES DEPT	248,189	879,668	631,479	28.2
RECREATION DEPARTMENT	13,394	179,302	165,908	7.5
CIVIC EVENTS	9,780	110,401	100,621	8.9
LIBRARY SERVICES	55,052	177,451	122,399	31.0
OTHER USES	0	171,292	171,292	.0
TRANSFERS	86,019	329,860	243,841	26.1
	<u>2,979,915</u>	<u>12,281,835</u>	<u>9,301,920</u>	<u>24.3</u>
	<u>( 900,131)</u>	<u>0</u>	<u>900,131</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

STREET LIGHTING SID S.R. FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
STREET LIGHTING SID REVENUE	38,480	135,000	96,520	28.5
INTEREST REVENUE	180	60,573	60,393	.3
	<u>38,660</u>	<u>195,573</u>	<u>156,913</u>	<u>19.8</u>
<u>EXPENDITURES</u>				
STREET LIGHTING SID EXPENDITUR	20,894	195,573	174,679	10.7
	<u>20,894</u>	<u>195,573</u>	<u>174,679</u>	<u>10.7</u>
	<u>17,766</u>	<u>0</u>	<u>( 17,766)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

SSD STREET LIGHT SID S.R. FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
SSD STREET LIGHT SID REVENUE	5,594	22,500	16,906	24.9
INTEREST REVENUE	37	58,509	58,472	.1
	<u>5,631</u>	<u>81,009</u>	<u>75,378</u>	<u>7.0</u>
<u>EXPENDITURES</u>				
SSD STREET LIGHT SID EXPENDIT	62,123	81,009	18,886	76.7
	<u>62,123</u>	<u>81,009</u>	<u>18,886</u>	<u>76.7</u>
	<u>( 56,492)</u>	<u>0</u>	<u>56,492</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

ZONE 2 WATER IMPROVEMENT SID

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
WATER SID REVENUE	106,032	400,000	293,968	26.5
INTEREST REVENUE	66	0	( 66)	.0
	<u>106,098</u>	<u>400,000</u>	<u>293,902</u>	<u>26.5</u>
<u>EXPENDITURES</u>				
WATER SID EXPENSES	0	267,231	267,231	.0
TRANSFERS AND OTHER USES	0	132,769	132,769	.0
	<u>0</u>	<u>400,000</u>	<u>400,000</u>	<u>.0</u>
	<u>106,098</u>	<u>0</u>	<u>( 106,098)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

STORM DRAIN-CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CONTRIBUTIONS & OTHER SOURCES	0	746,873	746,873	.0
IMPACT FEES REVENUE	89,212	255,000	165,788	35.0
	<u>89,212</u>	<u>1,001,873</u>	<u>912,660</u>	<u>8.9</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	252,839	1,001,873	749,033	25.2
	<u>252,839</u>	<u>1,001,873</u>	<u>749,033</u>	<u>25.2</u>
	<u>( 163,627)</u>	<u>0</u>	<u>163,627</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

PARKS - CAPITAL PROJECTS FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	188,815	2,336,264	2,147,449	8.1
	<u>188,815</u>	<u>2,336,264</u>	<u>2,147,449</u>	<u>8.1</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	45,332	2,336,264	2,290,931	1.9
	<u>45,332</u>	<u>2,336,264</u>	<u>2,290,931</u>	<u>1.9</u>
	<u>143,482</u>	<u>0</u>	<u>( 143,482)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

ROADS - CAPITAL PROJECTS FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	348,316	5,204,143	4,855,828	6.7
	<u>348,316</u>	<u>5,204,143</u>	<u>4,855,828</u>	<u>6.7</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	54,732	4,704,143	4,649,411	1.2
TRANSFERS AND OTHER USES	0	500,000	500,000	.0
	<u>54,732</u>	<u>5,204,143</u>	<u>5,149,411</u>	<u>1.1</u>
	<u>293,583</u>	<u>0</u>	<u>( 293,583)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

PUBLIC SAFE-CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	96,831	1,124,737	1,027,906	8.6
	<u>96,831</u>	<u>1,124,737</u>	<u>1,027,906</u>	<u>8.6</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	0	824,737	824,737	.0
TRANSFERS AND OTHER USES	0	300,000	300,000	.0
	<u>0</u>	<u>1,124,737</u>	<u>1,124,737</u>	<u>.0</u>
	<u>96,831</u>	<u>0</u>	<u>( 96,831)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

CAPITAL PROJECTS FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
GRANTS	24,993	0	( 24,993)	.0
TRANSFERS AND OTHER SOURCES	400,859	1,628,434	1,227,575	24.6
CONTRIBUTIONS & OTHER REVENUE	1,463	743,769	742,305	.2
	<u>427,316</u>	<u>2,372,203</u>	<u>1,944,887</u>	<u>18.0</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	<u>30,873</u>	<u>2,372,203</u>	<u>2,341,330</u>	<u>1.3</u>
	<u>30,873</u>	<u>2,372,203</u>	<u>2,341,330</u>	<u>1.3</u>
	<u><u>396,443</u></u>	<u><u>0</u></u>	<u><u>( 396,443)</u></u>	<u><u>.0</u></u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

DEBT SERVICE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
ADMIN FEES	53,444	213,773	160,329	25.0
CONTRIBUTIONS AND TRANSFERS	19,507	78,027	58,520	25.0
BEGINNING BALANCE	0	650	650	.0
	<u>72,951</u>	<u>292,450</u>	<u>219,499</u>	<u>24.9</u>
<u>EXPENDITURES</u>				
DEBT SERVICE	<u>0</u>	<u>292,450</u>	<u>292,450</u>	<u>.0</u>
	<u>0</u>	<u>292,450</u>	<u>292,450</u>	<u>.0</u>
	<u>72,951</u>	<u>0</u>	<u>( 72,951)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

WATER FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
UTILITY OPERATING REVENUE	969,683	3,340,500	2,370,817	29.0
BOND REVENUE	0	2,565,565	2,565,565	.0
	<u>969,683</u>	<u>5,906,065</u>	<u>4,936,382</u>	<u>16.4</u>
<u>EXPENDITURES</u>				
INCREASE IN FUND BALANCE	0	120,373	120,373	.0
WATER OPERATIONS	435,925	1,954,688	1,518,763	22.3
SECONDARY WATER OPERATIONS	831,926	3,028,698	2,196,772	27.5
FUND BALANCE TO APPROP	0	802,307	802,307	.0
	<u>1,267,851</u>	<u>5,906,065</u>	<u>4,638,214</u>	<u>21.5</u>
	<u>( 298,168)</u>	<u>0</u>	<u>298,168</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

SEWER FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
OPERATING & NON-OPERATING REV	622,778	2,186,500	1,563,722	28.5
CONTRIBUTIONS & TRANSFERS	0	520,647	520,647	.0
	<u>622,778</u>	<u>2,707,147</u>	<u>2,084,369</u>	<u>23.0</u>
<u>EXPENDITURES</u>				
SEWER OPERATIONS	443,439	2,707,147	2,263,708	16.4
	<u>443,439</u>	<u>2,707,147</u>	<u>2,263,708</u>	<u>16.4</u>
	<u>179,339</u>	<u>0</u>	<u>( 179,339)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

WASTEWATER CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	99,918	1,297,576	1,197,658	7.7
	<u>99,918</u>	<u>1,297,576</u>	<u>1,197,658</u>	<u>7.7</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	73,463	1,217,036	1,143,574	6.0
TRANSFERS AND OTHER USES	0	80,540	80,540	.0
	<u>73,463</u>	<u>1,297,576</u>	<u>1,224,114</u>	<u>5.7</u>
	<u>26,455</u>	<u>0</u>	<u>( 26,455)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

STORM DRAIN ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
OPERATING REVENUE	99,916	400,000	300,084	25.0
CONTRIBUTIONS & OTHER SOURCES	274	283,289	283,015	.1
	<u>100,191</u>	<u>683,289</u>	<u>583,098</u>	<u>14.7</u>
<u>EXPENDITURES</u>				
STORM DRAIN OPERATIONS	174,129	683,289	509,160	25.5
	<u>174,129</u>	<u>683,289</u>	<u>509,160</u>	<u>25.5</u>
	<u>( 73,938)</u>	<u>0</u>	<u>73,938</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

GARBAGE UTILITY FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
OPERATING REVENUE	224,186	851,785	627,599	26.3
INTEREST REVENUE	87	0	( 87)	.0
	<u>224,273</u>	<u>851,785</u>	<u>627,512</u>	<u>26.3</u>
<u>EXPENDITURES</u>				
GARBAGE OPERATIONS	153,864	783,663	629,799	19.6
TRANSFERS AND OTHER USES	0	68,122	68,122	.0
	<u>153,864</u>	<u>851,785</u>	<u>697,921</u>	<u>18.1</u>
	<u><u>70,409</u></u>	<u><u>0</u></u>	<u><u>( 70,409)</u></u>	<u><u>.0</u></u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

CUL WATER CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
BOND REVENUE	0	1,800,000	1,800,000	.0
CONNECTION FEES REVENUE	255,647	1,152,357	896,710	22.2
	<u>255,647</u>	<u>2,952,357</u>	<u>2,696,710</u>	<u>8.7</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	51,997	2,952,357	2,900,360	1.8
	<u>51,997</u>	<u>2,952,357</u>	<u>2,900,360</u>	<u>1.8</u>
	<u>203,650</u>	<u>0</u>	<u>( 203,650)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

2NDARY WATER CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
BOND REVENUE	0	2,000,000	2,000,000	.0
CONNECTION FEES REVENUE	124,999	437,594	312,595	28.6
	<u>124,999</u>	<u>2,437,594</u>	<u>2,312,595</u>	<u>5.1</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	2,555	2,076,519	2,073,964	.1
TRANSFERS AND OTHER USES	0	361,075	361,075	.0
	<u>2,555</u>	<u>2,437,594</u>	<u>2,435,039</u>	<u>.1</u>
	<u><u>122,444</u></u>	<u><u>0</u></u>	<u><u>( 122,444)</u></u>	<u><u>.0</u></u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2014

WATER RIGHTS FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
WATER RIGHTS - DEVELOPER FEES	343,147	500,000	156,853	68.6
INTEREST REVENUE	2,138	300,000	297,862	.7
	345,285	800,000	454,715	43.2
 <u>EXPENDITURES</u>				
WATER RIGHTS EXPENSES	0	800,000	800,000	.0
	0	800,000	800,000	.0
	345,285	0	( 345,285)	.0

# City Council Staff Report

**Author:** Chelese M. Rawlings, Finance Manager  
**Subject:** Budget Amendments  
**Date:** October 21, 2014  
**Type of Item:** Resolution



**Summary Recommendation:** Staff recommends approval of the following by resolution amending the budget for the fiscal year 2014-15.

## Description

### A. Topic

This is the second budget amendment for the fiscal year 2014-2015.

### B. Background

The first budget amendment was brought to council and approved on September 16, 2014 for fiscal year 2014-15. Attached is the detail of the requested budget amendments for this budget amendment.

### C. Analysis

Additional budgeted expenditures are detailed in the attached spreadsheet.

**Recommendation:** Staff recommends approval of the resolution amending the budget for the fiscal year 2014-15.

**2014-2015 Budget Amendment Supplemental #2**

<b>G/L Account</b>	<b>Department</b>	<b>Description</b>	<b>Current FY 2015 Budget</b>	<b>New Budget Amount</b>	<b>Increase (Decrease)</b>	<b>Notes/Comments</b>
<b>General Fund</b>						
<u>Expenditures</u>						
10-4570-550	Civic Events	City Celebrations	15,500	23,029	7,529	revenue received last fiscal year over the \$15,000 match
10-4570-565	Civic Events	Literacy Program	514	849	335	donations received in FY2014
10-4610-700	Library	Capital Outlay	8,587	9,801	1,214	donations received in FY2014
10-4220-740	Fire Department	Fire Equipment /Supplies	39,650	84,650	45,000	SCBA's budgeted last fiscal year in an operating account, but not purchased due to getting NFPA, OSHA, and NIST approvals first
10-4220-202	Fire Department	Wiland Fire Expenses	-	97,300	97,300	Wiland Expenses/offset by income revenue (\$135K Billed)
10-4150-208	Non-Departmental	Software Maintainance Expense	37,609	44,009	6,400	City sourced fees and SSL security certification for external use
10-4150-510	Non-Departmental	General Liability Insurance	198,726	258,726	60,000	Insurance costs are higher than budgeted estimates
10-4140-310	Administration	Professional & Tech Auditor	22,400	25,400	3,000	Cost of Single Audit - requirement for Federal Grant Audits (NRCS Grant)
10-4450-340	Engineering	Office Equipment/Supplies	1,100	5,100	4,000	One time exp for survey equipment
10-4450-500	Engineering	Software Maintainance Expense	7,250	7,550	300	Ongoing Maintenance for Survey Equipment
<b>Parks Impact Fund</b>						
<u>Expenditures</u>						
32-4000-720	Capital Project Expenditures	South Marina	322	-	(322)	Project Complete - Defund
32-4000-721	Capital Project Expenditures	Marina Park Trailhead	1,519	-	(1,519)	Project Complete - Defund
32-4000-740	Capital Project Expenditures	Parks Capital Projects	476	-	(476)	Project Complete - Defund
<b>Capital Projects Fund</b>						
<u>Expenditures</u>						
35-4000-782	Capital Project Expenditures	City Hall Remodel	547	-	(547)	Project Complete - Defund
<b>Capital Projects Fund</b>						
<u>Expenditures</u>						
51-5100-792	Water Operations	Pond 6 Expansion	86,986	-	(86,986)	Project Complete - Defund
<b>Sewer Impact Fund</b>						
<u>Expenditures</u>						
53-4000-706	Capital Project Expenditures	Developer Reimbursement Payoff	800,000	855,500	55,500	For Developer Agreement Signed April 29th (Ironwood) - pd 9/30/14
53-4000-600	Capital Project Expenditures	Sewer Master Plans	-	6,500	6,500	Cost to complete contract
<b>Secondary Water Impact Fund</b>						
<u>Expenditures</u>						
57-4000-710	Capital Project Expenditures	Secondary Water Capital Projects	4,511	-	(4,511)	Project Complete - Defund
					192,717	

**RESOLUTION NO. R14-45 (10-21-14)**

**A RESOLUTION AMENDING THE CITY OF SARATOGA SPRINGS BUDGET FOR FISCAL YEAR 2014-2015 AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Saratoga Springs has found it necessary to amend the City's current 2014-2015 fiscal year budget;

WHEREAS, pursuant to state law, the City Council has conducted a public hearing on the proposed amended budget; and,

WHEREAS, the City Council has determined that the proposed budget amendment is in the best interests of the public, will further the public health, safety, and welfare, and will assist in the efficient administration of City government.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARATOGA SPRINGS, UTAH, THAT:

1. The City of Saratoga Springs does hereby adopt the amended 2014-2015 fiscal year budget as set forth and attached hereto.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

Passed this 21<sup>st</sup> day of October, 2014.

CITY OF SARATOGA SPRINGS  
A UTAH MUNICIPAL CORPORATION

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
City Recorder

\_\_\_\_\_ Date

**2014-2015 Budget Amendment Supplemental #2**

<b>G/L Account</b>	<b>Department</b>	<b>Description</b>	<b>Current FY 2015 Budget</b>	<b>New Budget Amount</b>	<b>Increase (Decrease)</b>	<b>Notes/Comments</b>
<b>General Fund</b>						
<u>Expenditures</u>						
10-4570-550	Civic Events	City Celebrations	15,500	23,029	7,529	revenue received last fiscal year over the \$15,000 match
10-4570-565	Civic Events	Literacy Program	514	849	335	donations received in FY2014
10-4610-700	Library	Capital Outlay	8,587	9,801	1,214	donations received in FY2014
10-4220-740	Fire Department	Fire Equipment /Supplies	39,650	84,650	45,000	SCBA's budgeted last fiscal year in an operating account, but not purchased due to getting NFPA, OSHA, and NIST approvals first
10-4220-202	Fire Department	Wiland Fire Expenses	-	97,300	97,300	Wiland Expenses/offset by income revenue (\$135K Billed)
10-4150-208	Non-Departmental	Software Maintainance Expense	37,609	44,009	6,400	City sourced fees and SSL security certification for external use
10-4150-510	Non-Departmental	General Liability Insurance	198,726	258,726	60,000	Insurance costs are higher than budgeted estimates
10-4140-310	Administration	Professional & Tech Auditor	22,400	25,400	3,000	Cost of Single Audit - requirement for Federal Grant Audits (NRCS Grant)
10-4450-340	Engineering	Office Equipment/Supplies	1,100	5,100	4,000	One time exp for survey equipment
10-4450-500	Engineering	Software Maintainance Expense	7,250	7,550	300	Ongoing Maintenance for Survey Equipment
<b>Parks Impact Fund</b>						
<u>Expenditures</u>						
32-4000-720	Capital Project Expenditures	South Marina	322	-	(322)	Project Complete - Defund
32-4000-721	Capital Project Expenditures	Marina Park Trailhead	1,519	-	(1,519)	Project Complete - Defund
32-4000-740	Capital Project Expenditures	Parks Capital Projects	476	-	(476)	Project Complete - Defund
<b>Capital Projects Fund</b>						
<u>Expenditures</u>						
35-4000-782	Capital Project Expenditures	City Hall Remodel	547	-	(547)	Project Complete - Defund
<b>Capital Projects Fund</b>						
<u>Expenditures</u>						
51-5100-792	Water Operations	Pond 6 Expansion	86,986	-	(86,986)	Project Complete - Defund
<b>Sewer Impact Fund</b>						
<u>Expenditures</u>						
53-4000-706	Capital Project Expenditures	Developer Reimbursement Payoff	800,000	855,500	55,500	For Developer Agreement Signed April 29th (Ironwood) - pd 9/30/14
53-4000-600	Capital Project Expenditures	Sewer Master Plans	-	6,500	6,500	Cost to complete contract
<b>Secondary Water Impact Fund</b>						
<u>Expenditures</u>						
57-4000-710	Capital Project Expenditures	Secondary Water Capital Projects	4,511	-	(4,511)	Project Complete - Defund
					192,717	

# City Council Staff Report

**Author:** Jeremy D. Lapin, P.E., City Engineer  
**Subject:** Utah County Storm Water Coalition  
**Date:** October 21, 2014  
**Type of Item:** Approval of a Resolution



## **Description:**

### **A. Topic:**

This item is for the authorization to join the Utah County Storm Water Coalition.

### **B. Background:**

On August 13<sup>th</sup> the City of Saratoga Springs received a Notice Letter from the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) identifying the City as being located within an urbanized area according to the 2010 Census. The letter put Saratoga on notice that the City's Separate Storm Sewer System (MS4) will come under the purview of the Clean Water Act's storm water permitting requirements.

On February 12, 2014 the City Council approved resolution 14-12 adopting a Storm Water Management Plan for the City as required under the Utah Pollutant Discharge Elimination System (UPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) Permit No. UTR090000

One of the goals of the City's Storm Water Management Plan is to join the Utah County Storm Water Coalition to identify existing resources and develop programs to reduce the negative impacts of stormwater pollution in accordance with the City's Storm Water Management Plan

### **C. Analysis:**

Staff has been attending the monthly Utah County Storm Water Coalition Meetings and would like to formally join the coalition upon receiving authorization by the City Council.

### **D. Recommendation:**

I recommend that the City Council approve Resolution 14- authorizing the City to City of Saratoga Springs to join of the Utah County Storm Water Coalition

# City Council Staff Report

**Author: Randy Villarreal, Streets Supervisor/Storm Water Manager**

**Subject: Interlocal Cooperation Agreement**

**Date: October 21, 2014**

**Type of Item: Approval of Interlocal Cooperation Agreement**



## Description:

### A. Topic:

This item concerns the City of Saratoga Springs entering into an “Interlocal Cooperation Agreement” with Utah County, Provo, Orem, Pleasant Grove, American Fork, Springville, Spanish Fork, Lehi, Payson, Lindon, Highland, Alpine, Mapleton, Salem, Cedar Hills and Eagle Mountain. Joining a Storm Water Coalition is contemplated in the City’s new Storm Water Management Plan and will fulfill one of the requirements of the State of Utah’s UPDES Permit. The Coalition will provide storm water public education, outreach and best management practice, compliance information and materials to the public and more specifically all 4th grade students in the City.

### B. Background:

February 18, 2014 the City created and registered a Storm Water Management Program (SWMP) and Notice of Intent (NOI) with the State of Utah. This is compliant to the National Pollutant Discharge System (NPDES), Phase II for a Municipal Separate Storm Sewer System (MS4) General Permit. The SWMP is found on the City’s web site at [http://www.saratogaspringscity.com/index.asp?SEC=3A96E733-AEB0-4974-B146-AA1E54D4C24F&Type=B\\_BASIC](http://www.saratogaspringscity.com/index.asp?SEC=3A96E733-AEB0-4974-B146-AA1E54D4C24F&Type=B_BASIC) .

One of the requirements of the permit is to involve and educate the public as mentioned above. The Coalition will provide existing resources for the purpose of compliance and as seen in the SWMP excerpt below:

#### Section 2: Public Involvement/Participation Program (UPDES 4.2.2)

- Provide opportunities for the public to play an active role in the development and implementation of the storm water program.
- Establish BMPs that involve and educate the public on the importance of protecting storm water and the issues related to it.

**C. Analysis:**

This Interlocal Agreement will help provide some of the following resources:

- a. Schedule Utah County Storm Water Coalition meetings.
- b. Distribute pollutant prevention information to public: (ex: Newsletters).
- c. Storm water educational instructor for schools (4<sup>th</sup> graders)
- d. Provide educational materials for public: (pamphlets, pencils, magnets, etc.).
- e. Storage of display information for booths for city or county activities and events.
- f. Storm Water regulation training for City Staff

**D. Recommendation:**

Staff recommends that the city council approve the proposed Cooperative Agreement.

**RESOLUTION NO. R14-46 (10-21-14)**

**A RESOLUTION AUTHORIZING THE CITY OF SARATOGA SPRINGS TO JOIN THE UTAH COUNTY STORM WATER COALITION AND APPROVING THE ADOPTION OF AN INTERLOCAL AGREEMENT WITH UTAH COUNTY, PROVO, OREM, PLEASANT GROVE, AMERICAN FORK, SPRINGVILLE, SPANISH FORK, LEHI, PAYSON, LINDON, HIGHLAND, ALPINE, MAPLETON, SALEM, CEDAR HILLS AND EAGLE MOUNTAIN**

WHEREAS, the City of Saratoga Springs is required to implement a Storm Water Management Plan for coverage under the Utah Pollutant Discharge Elimination System (UPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) Permit No. UTR090000; and

WHEREAS, on February 18, 2014 the City Council approved resolution 14-12 adopting a Storm Water Management Plan for the City and; and

WHEREAS, one of the goals of the City's Storm Water Management Plan is to join the Utah County Storm Water Coalition; and

WHEREAS, the Utah County Storm Water Coalition was developed to utilize regional collaboration to identify existing resources and develop programs to reduce the negative impacts of stormwater pollution; and

WHEREAS, Saratoga Springs, Utah County, Provo, Orem, Pleasant Grove, American Fork, Springville, Spanish Fork, Lehi, Payson, Lindon, Highland, Alpine, Mapleton, Salem, Cedar Hills and Eagle Mountain are local governmental units under the laws of the State of Utah; and

WHEREAS, they are authorized, by the Utah Interlocal Cooperation Act to enter into agreement with each other for the purpose of enabling them to make the most efficient use of their resources; and

WHEREAS, joining said coalition and entering into the interlocal agreement will benefit the citizens of Saratoga Springs and allow the City to make a more efficient use of its resources;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARATOGA SPRINGS, UTAH, THAT:

**Section 1. Authorization to join Utah County Storm Water Coalition.** The Saratoga Springs City Council does hereby authorize the City of Saratoga Springs to join of the Utah County Storm Water Coalition

**Section 2. Interlocal Cooperation Agreement Approved.** The Saratoga Springs City Council hereby approves that certain Interlocal Agreement for cost sharing between Saratoga Springs, Utah County, Provo, Orem, Pleasant Grove, American Fork, Springville, Spanish Fork, Lehi, Payson, Lindon, Highland, Alpine,

Mapleton, Salem, Cedar Hills and Eagle Mountain. The existing agreement is attached hereto as Exhibit "A" and incorporated herein by reference. The Mayor of Saratoga Springs is hereby authorized to sign an addendum to this agreement on behalf of the City so that Saratoga Springs may become a party to the Interlocal Cooperation agreement.

**Section 3. Severability.** If any section, part of provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of the resolution shall be severable.

**Section 4. Effective Date.** This resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SARATOGA SPRINGS, STATE OF**

**UTAH, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

CITY OF SARATOGA SPRINGS  
A UTAH MUNICIPAL CORPORATION

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date

**EXHIBIT A**

**INTERLOCAL COOPERATION AGREEMENT FOR NPDES  
PHASE II STORM WATER PUBLIC EDUCATION AND  
OUTREACH BEST MANAGEMENT PRACTICE COMPLIANCE**

THIS AGREEMENT, is entered into this \_\_\_ day of \_ \_ \_\_\_\_\_, 2014, by and between PROVO, OREM, PLEASANT GROVE, AMERICAN FORK, SPRINGVILLE, SPANISH FORK, LEHI, PAYSON, UTAH COUNTY, LINDON, HIGHLAND, ALPINE, MAPLETON, SALEM, CEDAR HILLS, EAGLE MOUNTAIN, political subdivisions of the State of Utah.

**WITNESSETH:**

**WHEREAS**, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

**WHEREAS**, the parties to this Agreement are public agencies as defined in the Interlocal Cooperation Act; and

**WHEREAS**, the parties desire to establish a joint undertaking to comply with National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit Coverage;

**NOW, THEREFORE**, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

**Section 1. EFFECTIVE DATE; DURATION**

This Interlocal Cooperation Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Cooperation Act, upon the submission of this Interlocal Cooperation Agreement

to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this Agreement. Unless otherwise terminated as provided for herein, this Interlocal Cooperation Agreement shall be effective for a period of up to, but not exceeding, fifty (50) years. This Interlocal Cooperation Agreement shall not become effective until it has been approved by Resolution of all parties and reviewed as to proper form and compliance with applicable law by the attorney authorized to represent each of the parties hereto. Prior to becoming effective, this Interlocal Cooperation Agreement shall be filed with the official keeper of records of each of the parties hereto.

## **Section 2. ADMINISTRATION OF AGREEMENT**

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Interlocal Cooperation Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, UTAH COUNTY shall act as the administrator responsible for the administration of this Interlocal Cooperation Agreement. The parties further agree that this Interlocal Cooperation Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Utah County Clerk/Auditor shall specify and further agrees that said books shall be open for examination by all parties to this Agreement, at reasonable times. The parties agree that they will not acquire, hold nor dispose of real or personal property pursuant to this Interlocal Agreement during this joint undertaking.

## **Section 3. PURPOSES**

This Interlocal Cooperation Agreement has been established and entered into between the parties, for the purpose of a joint undertaking to comply with NPDES Phase II Storm Water Permit Public Education and Outreach Best Management Practices.

## **Section 4. MANNER OF FINANCING**

The parties agree that they shall provide the following resources and/or assistance for this joint undertaking:

- a. COUNTY shall act as the administrator of this Agreement, pursuant to the terms of Section 2 hereof, and shall :
  1. Schedule and conduct Utah County Storm Water Coalition meetings which are necessary to correlate activities, set proposed budgets, and provide training opportunities.
  2. Provide information regarding best management practices for preventing storm water pollution that can be placed in a newsletter or other form of communication as determined by each member agency to be distributed to the public as each agency deems appropriate.
  3. Maintain contract with approved Storm Water Educational Instructor and ensure proper teaching material is being presented. Maintain a master list of approved schools to be given to approved Storm Water Educational Instructor. Provide for each member agency a list of schools visited, the dates of all visits, an estimated number of attending students, and the number of classes taught.
  4. Become a central warehouse for storm water educational materials and provide on demand materials for distribution. These materials could include informational pamphlets, activity books, pencils, note pads, magnets, videos, etc.
  5. Maintain storage of display information for booths to be used for city and county activities and other events.
  6. Provide, maintain, and promote an information system to the public for the disposal of household materials and chemicals to include internet and phone services. Citizens will be able to call a local, countywide phone number or access a website where gathered information for disposal sites will be distributed.
- b. Each party to this agreement will pay to Utah County within 30 days of receipt of an annual invoice from Utah County, the sums listed in Exhibit A to this Agreement, said sums to be used solely for the NPDES Storm Water Phase II Public Education and Outreach Best Management Practices. The sums

listed in Exhibit A shall be reviewed, approved, and modified by agency representatives on an annual basis, based on a combination of the percentage of the party's total population to the total population of the County as determined by the most recent Mountainland Association of Government figures and the percentage of the party's total number of schools to the total school count as submitted by the member agencies.

#### **Section 5. METHOD OF TERMINATION**

This Interlocal Cooperation Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate its participation in and responsibilities under this Agreement at any time and for any reason by providing a sixty (60) day written notice of termination to the other parties. This Agreement may not be terminated in any event, if termination would cause a violation of the parties' NPDES Storm Water Permit.

#### **Section 6. INDEMNIFICATION**

The parties to this Agreement are public entities. Each party agrees to indemnify and save harmless the other for damages, claims, suits, and actions arising out of a negligent error or omission of its own officials or employees in connection with this Agreement.

#### **Section 7. ADDITION OF OTHER MEMBERS**

Other entities may become parties to this Interlocal Cooperation Agreement, by executing an Addendum to this Agreement. In order for an entity to be added to this Agreement by Addendum, the Addendum must be approved by resolution of the governing body of the entity to be added and the Addendum must be reviewed for proper form and compliance with applicable law by the attorney for the entity to be added. Prior to becoming effective, this Interlocal Cooperation Agreement and any' Addendum shall be filed with the official keeper of records of the entity being added to this Agreement.

**Section 8. FILING OF INTERLOCAL COOPERATION AGREEMENT**

Executed copies of this Interlocal Cooperation Agreement shall be filed with the official keeper of records of all parties to this Agreement and shall remain on file for public inspection during the term of this Interlocal Cooperation Agreement.

**Section 9. ADOPTION REQUIREMENTS**

This Interlocal Cooperation Agreement shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5(3), Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

**Section 10. LAWFUL AGREEMENT**

The parties represent that each of them has lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws, and other legal requirements applicable to their operation.

**Section 11. AMENDMENTS**

This Interlocal Cooperation Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13- 202.5(3), Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

**Section 12. SEVERABILITY**

If any term or provision of the Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the

application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.

**Section 13. NO PRESUMPTION**

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that all parties have participated in the preparation hereof

**Section 14. BINDING AGREEMENT**

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

**Section 15. NOTICES**

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties' recorder or clerk/auditor as the case may be; or at such other addresses as may be designated by notice given hereunder.

**Section 16. ASSIGNMENT**

The parties to this Agreement shall not assign this Agreement, or any part hereof, without the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

**Section 17. GOVERNING LAW**

All questions with respect to the construction of this Interlocal Cooperation Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

**Section 18. ENTIRE AGREEMENT**

This Agreement shall constitute the entire Agreement between the parties and any prior understanding or representation of any kind proceeding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement, after resolutions duly and lawfully passed, on the dates listed below:

**UTAH COUNTY**

Authorized by Resolution No. \_\_\_\_\_, authorized and passed on the \_\_\_ day of \_\_\_\_\_, 2014.

**BOARD OF COUNTY COMMISSIONERS  
UTAH COUNTY, UTAH**

By: \_\_\_\_\_  
GARY I. ANDERSON, Chairman

ATTEST: Bryan Thompson  
Utah County Clerk! Auditor

By: \_\_\_\_\_  
Deputy

APPROVED AS TO PROPER FORM AND  
COMPLIANCE WITH APPLICABLE LAWS:  
Jeff Buhman, Utah County Attorney

By: \_\_\_\_\_  
Deputy Utah County Attorney



**Revisions to the Site Plan Amendment to Westgate Shops B  
(Lot 8 of the ‘Saratoga Wal-Mart Subdivision’)**

**Café Rio**

**October 21, 2014**

**Public Meeting**

Report Date:	October 14, 2014
Applicant/Owner:	Bill Gaskill, Amsource Development, Inc. / ARA Saratoga Income Properties LLC
Location:	1513 North Redwood Road
Major Street Access:	Commerce Drive
Parcel Number(s) & Size:	66:242:0016, portion of 66:242:0006, ~1.10 acres
Parcel Zoning:	RC, Regional Commercial
Adjacent Zoning:	RC
Current Use of Parcel:	Existing retail building
Adjacent Uses:	Zions Bank, O’Reilly’s Auto Parts
Previous Meetings:	2007, Preliminary and Final Plat review 2009, Site Plan Review 6/26/14, Site Plan Amendment reviewed by PC
Previous Approvals:	4/24/2007, preliminary plat approval for “Saratoga Walmart Subdivision” 6/12/2007, final plat approval for “Saratoga Walmart Subdivision” 8/25/2009, site plan approval was granted for Saratoga Westgate Shops B 7/1/14, Site Plan Amendment approved by CC
Land Use Authority:	City Council
Future Routing:	City Council
Author:	Sarah Carroll, Senior Planner

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**A. Executive Summary:**

This is a request for revisions to the Site Plan Amendments that were approved by the City Council on July 1, 2014 for Westgate Shops B. The amendments that were approved in July included changes to the elevations of the existing building and a proposal for additional parking to the west of the site. The current request does not include additional parking, but proposes a shared parking agreement with neighboring sites and a lot line adjustment to add 10 existing parking stalls to Lot 8.

**Recommendation:**

**Staff recommends that the City Council conduct a public meeting, take public comment at their discretion, discuss the proposed revisions to the Site Plan Amendment, and choose from the options in Section "H" of this report.** Options include approval with conditions, continuing the application, or denial.

**B. Background:**

The site plan amendments that were presented in July of this year included 15 additional stalls on the adjacent site with a condition that a lot line adjustment application be submitted to add these stalls to Lot 6. The applicant was hoping that these could be temporary parking stalls and that the entire parking lot for Lot 6 could be fully designed at a later date when Lot 6 is designed. However, there are no provisions in the Engineering standards for temporary stalls and any new parking would have to meet all current requirements, such as draining into the storm drain system, oil-water separator, and parking lot lights. Due to the costs to complete the proposed 15 stalls to the standards required of a fully designed parking lot, the applicant has reviewed the code related to shared parking and would like to request that the City Council approve shared parking between them and the surrounding businesses.

The proposed revisions to the previously approved amendment include a request for shared parking and they would like to bring 10 existing stalls into the site through the lot line adjustment process (the lot line adjustment may be approved at a staff level and the application has been received) and the dumpster will be relocated. The previously proposed changes to the elevations will remain as approved by the Council in July.

**C. Specific Request:**

This is a request to revise the amendment that was approved by the City Council on July 1, 2014. The proposed revision eliminates the stalls that were proposed to the west of the site and includes a request for shared parking. A lot line adjustment is proposed to bring 10 existing stalls into Lot 8, and a new location is proposed for the dumpster.

**D. Process:**

Section 19.13.04 of the City Code states that Site Plans require City Council approval after the Planning Commission holds a public hearing and forwards a recommendation. The City Code also requires that an applicant hold a neighborhood meeting for any non-residential development proposal adjacent to developed property in a residential zone. This project is not adjacent to a residential zone. The public hearing was held with the Planning Commission on June 26, 2014.

**E. Community Review:**

Per 19.13.04 of the City Code, this item has been noticed in *The Daily Herald*, and each property owner within 300 feet of the subject property was sent a letter at least ten calendar days prior to the June 26, 2014 public hearing with the Planning Commission. As of the completion of this report, no public input has been received. The City Council approved the previously proposed amendments on July 1, 2014.

**F. General Plan:**

The Land Use Map of the General Plan designates this property for Regional Commercial uses. The Land Use Element of the General Plan states "Regional Commercial areas shall be characterized by a variety of retail users including big box retail configured in developments that provide excellent vehicular access to and from major transportation facilities. Developments located in Regional Commercial areas shall be designed so as to create efficient, functional conglomerations of commercial activities."

**Staff Conclusion: consistent.** The site and nearby properties are currently zoned RC. The existing building is occupied by Yogurt Bliss, Dollar Cuts and Pizza Hut; these businesses will remain in the building. Adjacent businesses include Zion's Bank and O'Reilly Auto Parts. The site

can be accessed, via cross access easements, from Commerce Drive and Redwood Road. Café Rio will add variety to the commercial uses in this location. The existing commercial subdivision and site have been designed to create efficient, functional conglomerations of commercial activities.

**G. Code Criteria:**

The parking requirements are in Chapter 19.09, and the Site Plan requirements are in Chapter 19.14. Pertinent requirements from these Chapters and Sections are reviewed below.

**Trash storage: can comply.** Section 19.14.04 requires trash storage areas to be comparable with the proposed building and surrounding structures. The existing dumpster enclosure needed some updates to comply. However, the applicant is requesting to move the dumpster to the west side of the parking lot. The new dumpster enclosure shall be constructed of materials that match the building and shall have a metal gate to comply with code.

**Parking: up for discussion.** Section 19.09.11 (as approved by the City Council on June 3, 2014) outlines the current parking requirements. A 3,465 square foot casual restaurant requires 35 parking stalls. Based on the original approval for "retail sales", 17 of the original stalls may be allocated to Café Rio, leaving a deficiency of 18 parking stalls.

The applicant is now proposing to do a lot line adjustment to add 10 existing parking stalls to Lot 8 to be used for Café Rio. These stalls are existing stalls that are currently within the boundaries of Lot 6 which is undeveloped. They are then requesting a shared parking agreement between the four sites in this location: Panda Express, O'Reilly's, Westgate Shops B (Café Rio site), and Zions Bank.

Section 19.09.10 states:

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.

**Findings:**

The applicant has a shared parking agreement in place (attached). The applicant has provided peak demand data from a professional traffic engineer showing that the shared parking will accommodate the uses. The attached report indicates that there are 122 parking stalls between all of the uses and that at peak demand times of the day, up to 79 parking stalls are currently being used. The conclusion of the report is that based on the code requirement of 1 parking stall per 100 square feet for a restaurant (44 stalls required for Café Rio) that the existing parking can accommodate all of the existing and proposed uses.

Further review of the site plans indicates that there are more stalls than the traffic engineer reported.

1. Zions Bank – Code required 15 stalls when it was built, and has 15 stalls.
2. Strip mall with Café Rio – Code required 40.5 stalls when this was built. They have 40 on the site. With the addition of Café Rio the current code will be applied to Café Rio only. The other uses fall under the versions of the code that were in place when they were approved. To meet the old code for existing uses and the new code for Café Rio, they will need 59 stalls. After lot line adjustment will have 50 stalls (short by 9).
3. O'Reilly's – Code required 35 stalls when it was built. They have 44 stalls
4. Panda – Code required 11 stalls when this was approved. They have 26 stalls

Totals:

120 stalls required

135 existing stalls

After the lot line adjustment, Lot 8 will have 50 parking stalls; 58 stalls are required for the uses within Lot 8. All of the surrounding lots meet or exceed the parking requirements that were in place when the uses were approved. Thus, the request is to share 8 parking stalls (13% of the requirement for lot 8).

The proposed shared parking request does not exceed more than 25% of the parking requirement, and the existing parking exceeds the number of stalls that were required when each site was approved.

#### H. Recommendation and Alternatives:

After evaluating the required standards for developments in the RC zone, staff recommends that the City Council make the following motion:

##### Recommended Motion:

"Based upon the evidence and explanations received today, I move that the City Council approve the revisions to the Westgate Shops B Site Plan Amendment for Café Rio, located at 1513 North Redwood Road. I also move that the City Council approve the shared parking request, with the findings and conditions below:"

##### Findings:

1. The proposed site plan amendment is consistent with the General Plan as explained in the findings in Section "F" of this report, which findings are incorporated herein by this reference.
2. The proposed site plan amendment meets or can conditionally meet all the requirements in the Land Development Code as explained in the findings in Section "G" of this report, which findings are incorporated herein by this reference.

##### Conditions:

1. Shared parking is approved as requested. 13% of the parking requirement for Café Rio, which is 8 parking stalls, may be shared with the adjacent sites.
  2. A lot line adjustment is required to bring the 10 existing stalls west of the O'Reilly site into Lot 8.
  3. Any other conditions as articulated by the City Council:
-

**Alternative Motions:**

**Alternative Motion A**

"I move to **continue** the item to another meeting, with direction to the applicant and Staff on information and/or changes needed to render a decision, as follows:

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**Alternative Motion B**

"Based upon the evidence and explanations received today and the following findings, I move that the City Council deny the revisions to the Westgate Shops B Site Plan Amendment for Café Rio and the requested shared parking. Specifically I find that the following standards and/or code requirements have not been met:"

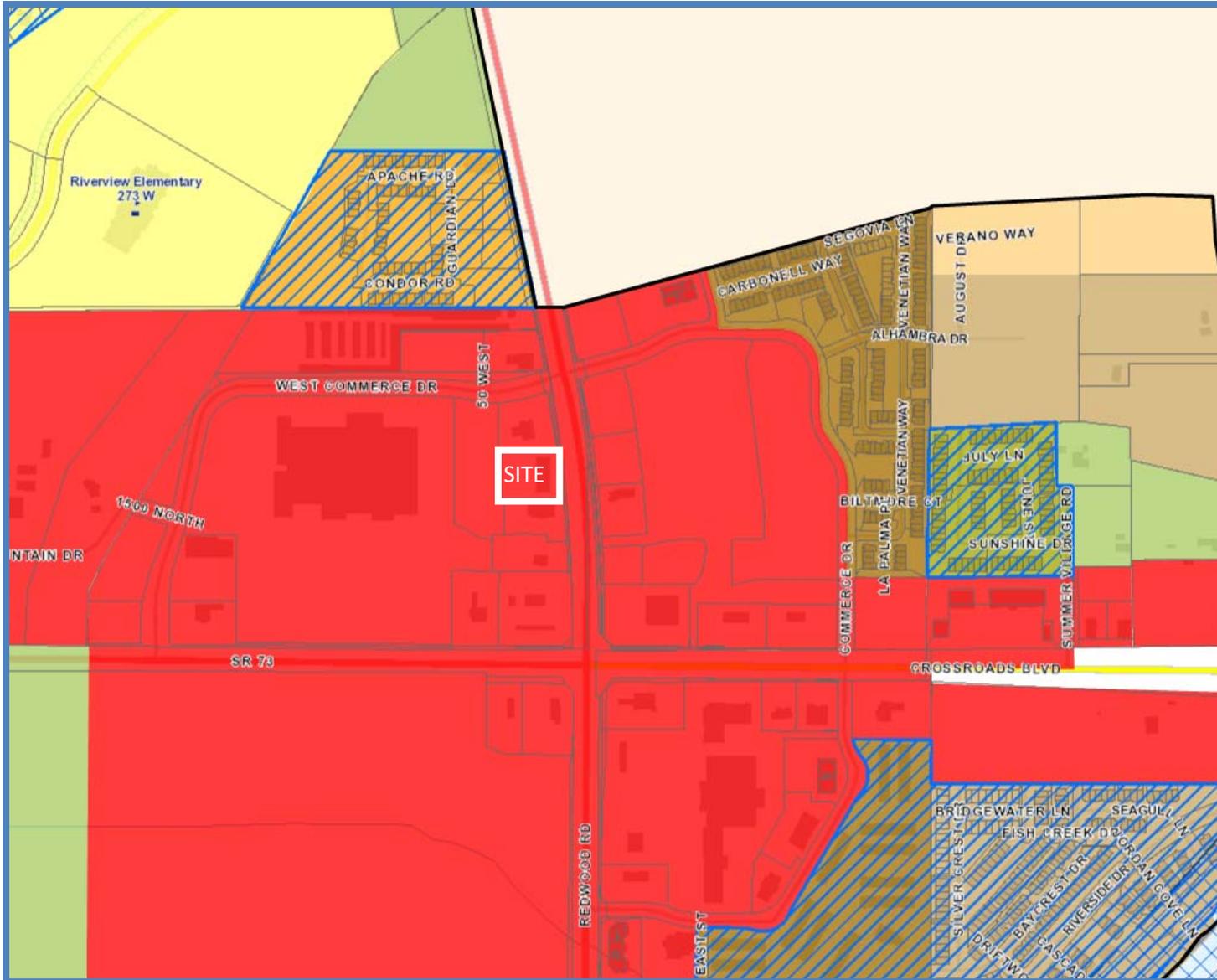
List Specific Code Standards and Requirements:

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**I. Exhibits:**

1. Engineering Staff Report
2. Zoning / Location map
3. Saratoga Wal-Mart Subdivision, Recorded Plat
4. July 1, 2014 Site Plan
5. Revised Site Plan
6. A Trans Parking Utilization Study
7. Shared Parking Agreement

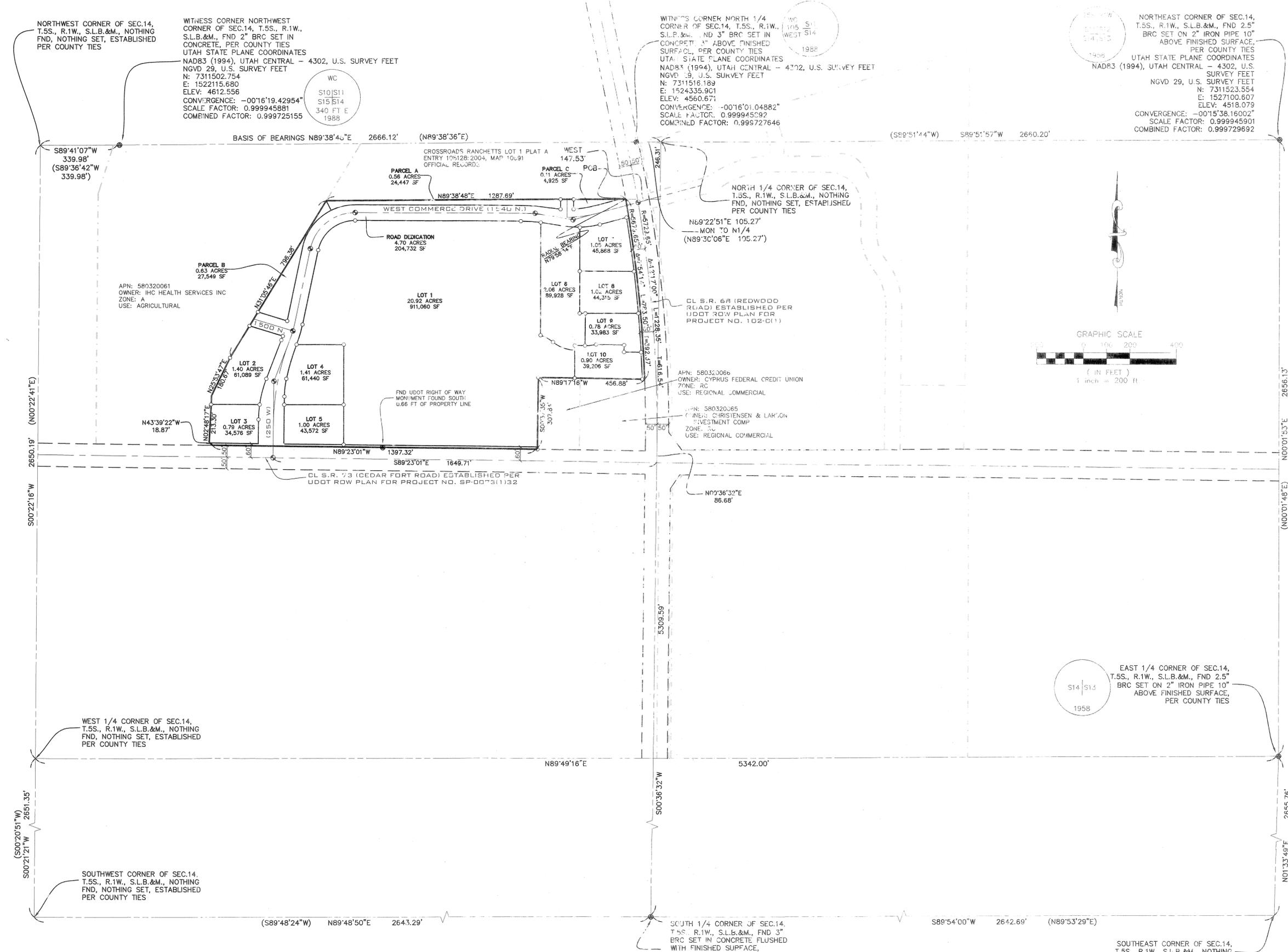


ZONING / LOCATION MAP, PROPERTY IS ZONED RC

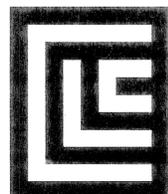


# SARATOGA WAL-MART SUBDIVISION, RECORDED PLAT

12575 sheet 2 of 3



- LEGEND:**
- SET REBAR AND CAP MARKED "PLS 271154" UNLESS OTHERWISE NOTED
  - FND GOVERNMENT MONUMENT AS NOTED
  - FND MONUMENT AS NOTED
  - CENTERLINE MONUMENT PER CITY STANDARDS TO BE SET AFTER IMPROVEMENT OF ROAD
  - CENTERLINE
  - SECTION LINE
  - ADJACENT PROPERTY LINES
  - PROPERTY LINE
  - PROPOSED LOT LINES
  - EASEMENT AS NOTED
  - RIGHT OF WAY LINE



**CLC ASSOCIATES**  
 420 EAST SOUTH TEMPLE  
 SUITE 550  
 SALT LAKE CITY  
 UTAH 84111  
 P 801 363 5606  
 F 801 363 5604  
 CLC@SOG.COM

PROJECT #: 05-0107  
 DRAWN BY: DM  
 DESIGNED BY:  
 CHECKED BY: BM

**SARATOGA WAL-MART SUB**  
 A PART OF THE NORTHWEST QUARTER OF SEC. 14, T.5S., R.1W., S.L.B.&M., CITY OF SARATOGA SPRINGS, COUNTY OF UTAH, STATE OF UTAH  
 JULY 2007  
 SHEET 2 OF 3

SURVEYOR'S SEAL    NOTARY PUBLIC SEAL    CITY-COUNTY ENGINEER SEAL    CLERK-RECORDER SEAL

GERALD S. OLSON  
 7/24/08  
 #30373-2202  
 STATE OF UTAH

## SARATOGA WAL-MART SUBDIVISION

SHEET 2 OF 3

SOUTH 1/4 CORNER OF SEC.14, T.5S., R.1W., S.L.B.&M., FND 3" BRC SET IN CONCRETE FLUSHED WITH FINISHED SURFACE, PER COUNTY TIES  
 UTAH STATE PLANE COORDINATES  
 NAD83 (1994), UTAH CENTRAL - 4302, U.S. SURVEY FEET  
 NGVD 29, U.S. SURVEY FEET  
 N: 7300209.484  
 E: 1524384.735  
 ELEV: 4509.959  
 CONVERGENCE: -00'16"00.43994"  
 SCALE FACTOR: 0.999943456  
 COMBINED FACTOR: 0.999727654

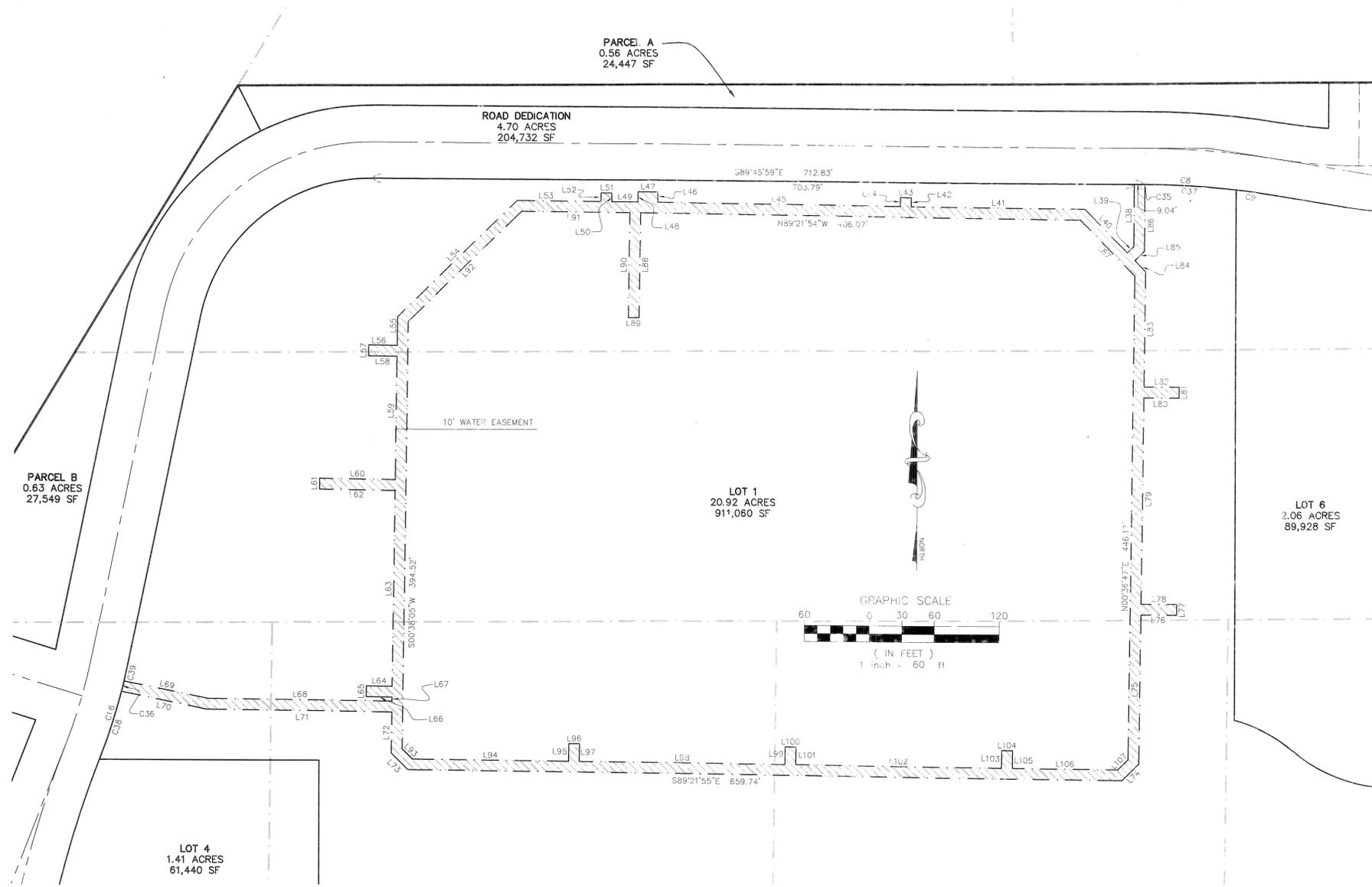
T5S R1W  
 14  
 23  
 2001

SOUTHEAST CORNER OF SEC.14, T.5S., R.1W., S.L.B.&M., NOTHING FND, NOTHING SET, ESTABLISHED PER COUNTY TIES

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.

**SARATOGA WAL-MART SUBDIVISION**

SHEET 3 OF 3



WATER EASEMENT LINE TABLE

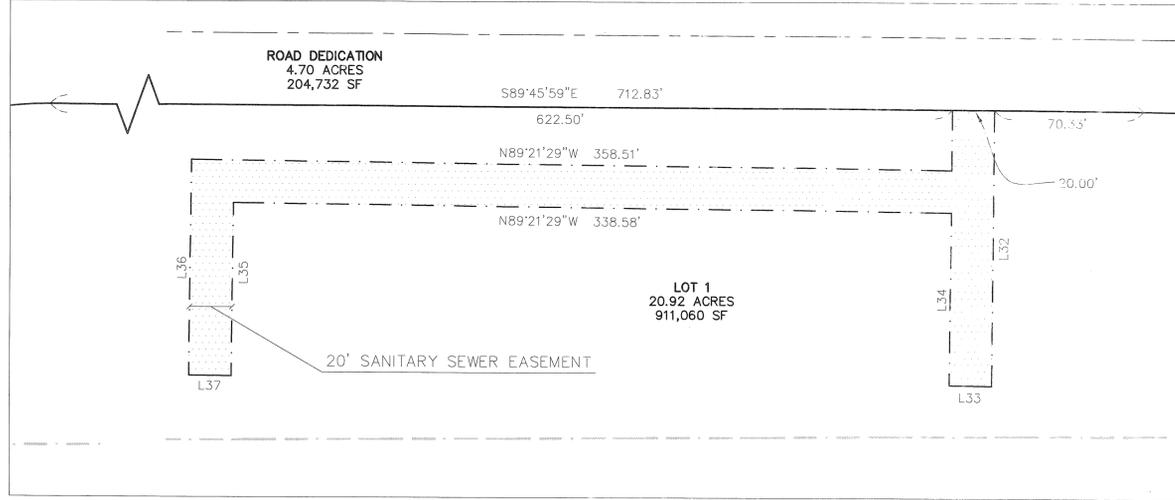
LINE	BEARING	LENGTH
L38	N00°14'03"E	58.01'
L39	N45°38'20"E	8.15'
L40	N44°22'02"W	56.44'
L41	N89°21'54"W	160.55'
L42	S00°38'05"W	8.34'
L43	S89°21'55"E	10.00'
L44	S00°38'05"W	8.34'
L45	N89°21'54"W	224.09'
L46	S00°38'37"W	9.64'
L47	S89°22'01"E	18.24'
L48	N00°38'07"E	9.64'
L49	N89°21'54"W	24.24'
L50	S00°38'05"W	8.19'
L51	S89°21'55"E	10.00'
L52	S00°38'05"W	8.19'
L53	N89°21'54"W	77.29'
L54	S45°38'03"W	154.07'
L55	S00°38'05"W	26.28'
L56	S89°21'55"E	26.19'
L57	S00°38'05"W	10.00'
L58	S89°21'55"E	26.19'
L59	S00°38'05"W	113.30'
L60	S89°21'55"E	69.78'
L61	S00°38'05"W	10.00'
L62	S89°21'47"E	69.78'
L63	S00°38'05"W	181.23'
L64	S89°21'55"E	23.83'
L65	S00°38'05"W	10.00'
L66	S89°21'55"E	23.83'
L67	S00°38'05"W	3.82'
L68	S89°23'02"E	169.65'
L69	S78°30'42"E	79.38'
L70	S78°30'42"E	80.71'
L71	S89°23'02"E	170.60'
L72	S00°38'02"W	38.24'
L73	S45°00'42"E	21.82'
L74	N44°59'53"E	21.82'
L75	N00°36'47"E	136.58'
L76	N89°23'05"W	32.85'
L77	N00°36'55"E	10.00'
L78	N89°23'05"W	32.85'
L79	N00°36'47"E	190.00'
L80	N89°23'01"W	32.60'
L81	N00°37'05"E	10.00'
L82	N89°22'55"W	32.60'
L83	N00°36'47"E	105.81'
L84	N44°21'59"W	14.28'
L85	N45°38'20"E	12.34'
L86	N00°14'03"E	62.19'
L87	N44°21'58"W	72.44'
L88	N00°38'06"E	96.68'
L89	S89°21'54"W	10.00'
L90	N00°38'06"E	96.68'
L91	N89°21'54"W	100.05'
L92	S45°38'03"W	145.79'
L93	S45°00'42"E	13.54'
L94	S89°21'55"E	144.16'
L95	S00°38'05"W	16.55'
L96	S89°21'55"E	10.00'
L97	S00°37'56"W	16.55'
L98	S89°21'55"E	190.00'
L99	S00°38'05"W	16.61'
L100	S89°21'55"E	10.00'
L101	S00°37'54"W	16.61'
L102	S89°21'55"E	190.00'
L103	S00°38'05"W	16.67'
L104	S89°21'55"E	10.00'
L105	S00°38'05"W	16.68'
L106	S89°21'55"E	97.30'
L107	N44°59'53"E	13.53'

WATER EASEMENT CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	TANGENT
C8	716.00'	9°13'47"	115.34'	57.79'
C9	716.00'	2°23'49"	29.95'	14.98'
C16	534.00'	9°27'12"	88.11'	44.15'
C35	716.00'	0°04'35"	0.96'	0.48'
C36	534.00'	1°04'25"	10.01'	5.00'
C37	716.00'	6°45'22"	84.43'	42.26'
C38	534.00'	6°54'20"	64.36'	32.22'
C39	534.00'	1°28'27"	13.74'	6.87'

SEWER EASEMENT LINE TABLE

LINE	BEARING	LENGTH
L32	N00°29'51"E	129.98'
L33	S89°23'43"E	20.00'
L34	N00°36'17"E	81.52'
L35	N00°36'36"E	81.67'
L36	N00°36'36"E	101.68'
L37	S89°23'24"E	20.00'



DETAIL A  
SCALE 1"=40FT

- LEGEND:**
- SET REBAR AND CAP MARKED "PLS 271154" UNLESS OTHERWISE NOTED
  - FND MONUMENT MONUMENT AS NOTED
  - FND MONUMENT AS NOTED
  - CENTERLINE
  - SECTION LINE
  - ADJACENT PROPERTY LINES
  - PROPERTY LINE
  - PROPOSED LOT LINES
  - - - EASEMENT AS NOTED
  - - - RIGHT OF WAY LINE
  - 20' WIDE SEWER EASEMENT SEE DETAIL A SHEET 3 OF 3
  - ▨ 10' WIDE WATERLINE EASEMENT SEE SHEET 3 OF 3

BY: 171886/2007 RALPH L. RANDALL, P.E. COVINGTON UTAH COUNTY RECORDER 2007 Dec 12 3:45 PM FEE: 183.00 BY ED RECORDED FOR SARATOGA SPRINGS CITY

12575 sheet 3 of 3



**CLC ASSOCIATES**  
420 EAST SOUTH TEMPLE  
SUITE 550  
SALT LAKE CITY  
UTAH 84111  
P 801 363 5605  
F 801 363 5604  
CLC@SOG.COM

PROJECT #: 05-0107  
DRAWN BY: DM  
DESIGNED BY: DM  
CHECKED BY: BM

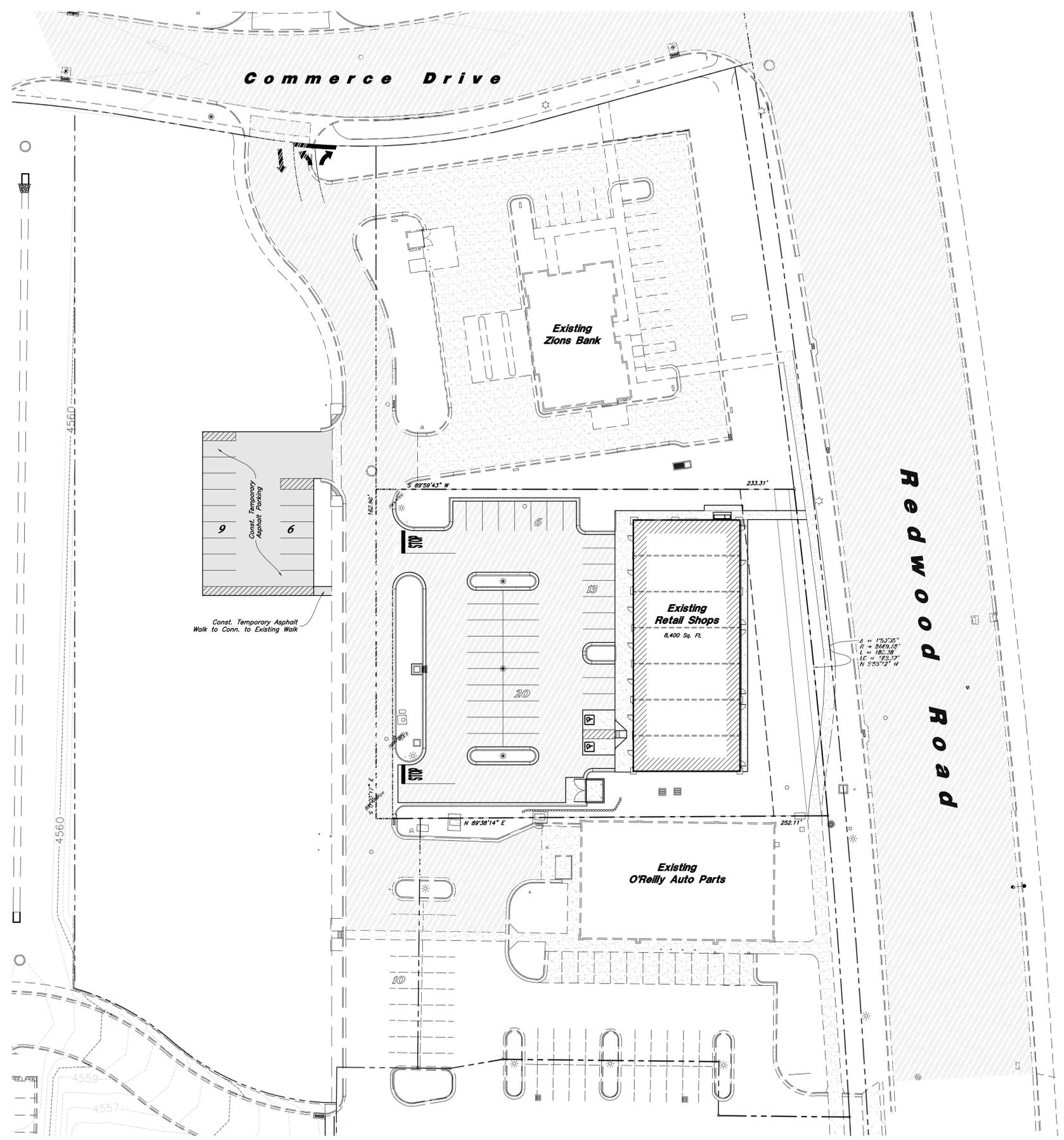
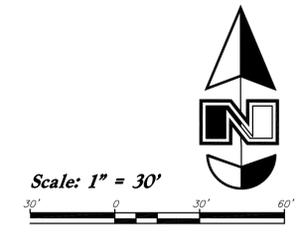
**SARATOGA WAL-MART SUB**  
A PART OF THE NORTHWEST QUARTER OF SEC. 14, T.5S., R.1W., S.L.B.&M., CITY OF SARATOGA SPRINGS, COUNTY OF UTAH, STATE OF UTAH  
JULY 2007  
SHEET 3 OF 3

SURVEYOR'S SEAL: [Blank]

NOTARY PUBLIC SEAL: [Blank]

CITY COUNTY CLERK-RECORDER SEAL: [Blank]

REGISTERED PROFESSIONAL ENGINEER  
1730373-2202  
GEOFF S. STATION  
STATE OF UTAH



REV	DATE	DESCRIPTION

Designed by: SY  
 Drafted by: SY  
 Client Name: Amsource  
 08-145SP

**AWA**  
**ANDERSON WAHLEN & ASSOCIATES**  
 Great Basin Engineering South  
 2010 North Redwood Road, Salt Lake City, Utah 84116  
 801 521-8529 - AWengineering.net

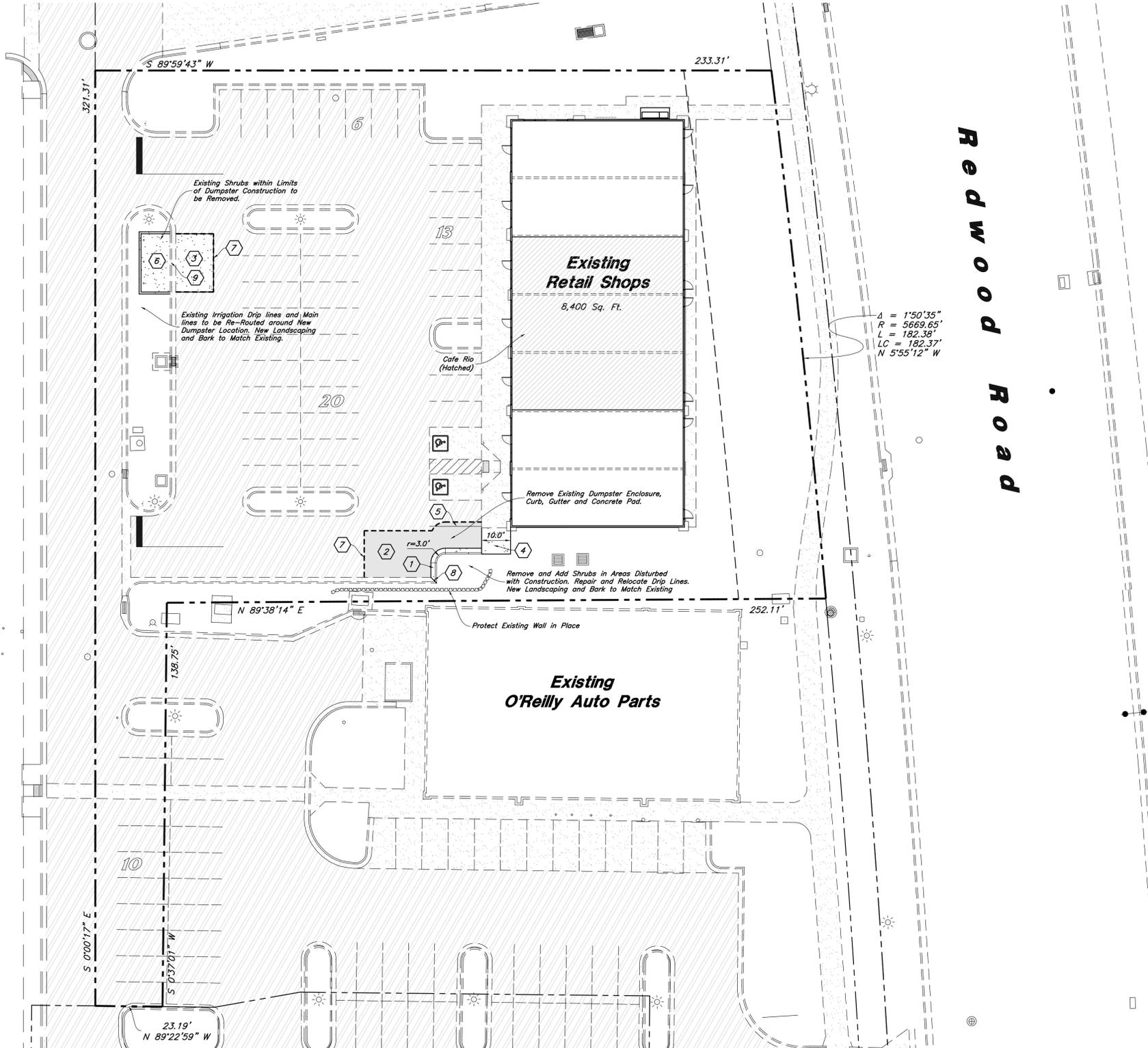
**Drawing Name**  
**Saratoga Westgate - Shops B**  
 Lot 8 of the Saratoga Wal-Mart Subdivision  
 Saratoga Springs, Utah

10 Jun, 2014  
 SHEET NO.  
**C1.1**

W:\08-145\Drawings\08-145SP.dwg, 6/11/2014, 3:06:32 PM, 1:1, LC



Scale: 1" = 20'



**Site Construction Notes**

- 1 Const. 24" Curb & Gutter (C4.1)
- 2 Const. Asphalt Paving (C4.1)
- 3 Const. Conc. Paving (C4.1)
- 4 Const. Thickened Edge Sidewalk (C4.1)
- 5 Const. 4" Paint Stripe (Match Existing Color)
- 6 Const. Dumpster Enclosure (C4.1)
- 7 Sawcut; Provide Smooth Clean Edge
- 8 Connect & Match Existing Improvements
- 9 Sawcut Existing back of Curb for New Enclosure

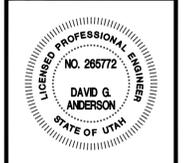
REV	DATE	DESCRIPTION

Designed by: DA  
 Drafted by: LC  
 Client Name: Amsource  
 08-145SP

**ANDERSON WAHLEN & ASSOCIATES**  
 Great Basin Engineering South  
 2010 North Redwood Road, Salt Lake City, Utah 84116  
 801-921-8529 - AWaengineering.net

**Site Plan**

**Cafe Rio at Saratoga Westgate**  
 Lot 8 of the Saratoga Wal-Mart Subdivision  
 Saratoga Springs, Utah



17 Sep, 2014

SHEET NO.  
**C1.1**

# A TRANS PARKING UTILIZATION STUDY

September 29, 2014

Mr. Bill Gaskill  
Amsource Companies



## TRANSPORTATION ENGINEERING

RE: Saratoga Westgate Parking Utilization Study

The following is a parking utilization study to evaluate the existing parking utilization of the Westgate Retail Center in Saratoga Springs, UT. Based on our discussions with the City on September 4, 2014, the scope will include data collection of Wednesday from 11:30 AM to 1:30 PM and on Friday from 5:30 to 7:30 PM. This will include counting each lot and observing the utilization for each parking area for the four parcels of Westgate. Also included was an observation of the western parking area of O'Reilly Auto Parts for duration of parking to determine if commuters are using this area as a pseudo park-and-ride.

The Westgate Retail Center is located on the northwest corner of Redwood Road (SR 68) and SR 73 in Saratoga Springs, Utah. Four retail parcels are included in this study and are shown in Figure 1. Parcel 1 includes a Zion's Bank, Parcel 2 includes a strip mall, Parcel 3 includes an O'Reilly's and Parcel 4 includes a Panda Express. Table 2 summarizes the parking stalls available to each site.

Figure 1: Area Map

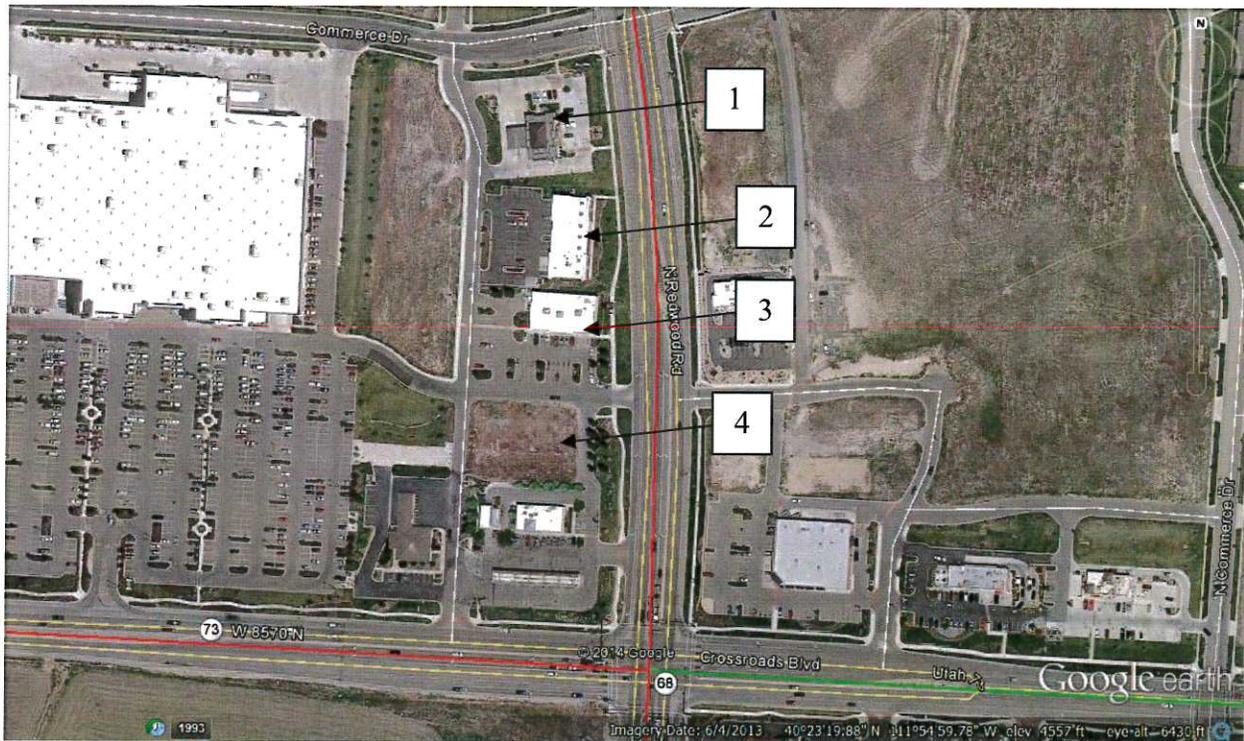


Table 1: Summary of Available Parking

P.O. Box 521651 Salt Lake City, UT 84152  
(801) 949-0348 fax (801) 582-6252  
atrans@comcast.net

## A TRANS PARKING UTILIZATION STUDY

	1	2	3	4
	Zions Bank	Strip Mall	O-Reilly's	Panda Express
Handicap stalls	1	2	2	2
Non-Handicap Stalls	14	38	50	13

Peak times for the site were determined to be Wednesday from 11:30 AM to 1:30 PM and Friday from 5:30 to 7:30 PM. Parking utilization counts were done during both of these two hour periods in ten minute intervals. Table 2 and Table 3 show the data provided from the counts.

**Table 2: Wednesday Midday Parking Utilization**

	1	2	3	4	Total
11:30	7	8	16	7	38
11:40	8	10	21	7	46
11:50	8	9	23	6	46
12:00	7	11	17	5	40
12:10	8	12	15	5	40
12:20	7	13	15	5	40
12:30	6	12	18	8	44
12:40	7	12	19	9	47
12:50	10	10	20	7	47
13:00	10	10	19	8	47
13:10	7	10	18	7	42
13:20	7	12	19	5	43
13:30	7	11	18	4	40
Average	8	11	18	6	43

# A TRANS PARKING UTILIZATION STUDY

**Table 3: Friday PM Parking Utilization**

Time	1	2	3	4	Total
5:30	5	22	25	8	60
5:40	5	23	31	11	70
5:50	5	24	28	10	67
6:00	5	21	33	10	69
6:10	5	23	27	8	63
6:20	3	21	29	8	61
6:30	3	22	28	7	60
6:40	3	17	29	11	60
6:50	3	15	27	10	55
7:00	3	19	29	10	61
7:10	0	18	25	9	52
7:20	1	20	30	11	62
7:30	1	24	23	9	57
Average	3	21	28	9	61

The four parcels have a shared parking agreement and cross access. During the midweek midday peak period the maximum parking utilized is 55 spaces with an average utilization of 43 spaces. 52% of the existing parking is available which represents 60 parking spaces. During the Friday PM peak period the maximum parking utilized is 71 spaces with an average utilization of 61 spaces. 38% of the existing parking is available which represents 44 parking spaces. This comparison is summarized in Table 4.

**Table 4: Parking Summary**

Location		1	2	3	4	Total
	Existing Parking Spaces	14	38	50	13	115
Wednesday	Maximum Used	10	13	23	9	55
	Average Used	8	11	18	6	43
	Available Parking Spaces	4	25	27	4	60
	Percent of Parking Available	29%	66%	54%	31%	52%
Friday	Maximum Used	5	24	31	11	71
	Average Used	3	21	28	9	61
	Available Parking Spaces	9	14	19	2	44
	Percent of Parking Available	64%	37%	38%	15%	38%

In regards to the likely commuter parking at the western O'Reilly's lot, the counts show that during the Midday Midweek peak period 4 vehicles remained parked in Lot 3 during the entire 2 hour count. During the Friday PM count 1 vehicle remained in Lot 3 throughout the entire 2 hour count.

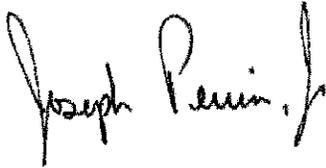
# A TRANS PARKING UTILIZATION STUDY

## A TRANS PARKING UTILIZATION STUDY

According to the Saratoga Springs City Code 19.09.11, Required Minimum Parking by Zone, a restaurant requires 1 parking spot per 100 sf and a retail store requires 4 parking spots per 1000 sf. Following these recommendations for a new retail or restaurant occupancy, a 4,400 sf restaurant or a 11,000 sf retail space can be accommodated by the remaining parking and still provide sufficient parking for the existing land uses.

Please contact me with any questions.

Sincerely,  
**A-Trans Engineering**

A handwritten signature in black ink that reads "Joseph Perrin, Jr." with a stylized flourish at the end.

Joseph Perrin, PhD, PE, PTOE  
Principal

# SHARED PARKING AGREEMENT

When Recorded Return to:  
Bryan B. Todd  
358 So. Rio Grande, Suite 200  
SLC, UT 84101

ENT 18054:2009 PG 1 of 24  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2009 Feb 23 8:50 am FEE 64.00 BY CS  
RECORDED FOR AMSOURCE SARATOGA

## GRANT OF EASEMENTS AND DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS

**THIS GRANT OF EASEMENTS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (“Declaration”)** is made as of January 17, 2009 by **AMSOURCE SARATOGA NWC, LLC**, a Utah limited liability company (“**Declarant**”), and consented to by **AMSOURCE SARATOGA CSK, LLC**, a Utah limited liability company (“**CSK**”), regarding the land described on **Exhibit A** attached hereto.

### RECITALS

A. **Shopping Center.** Declarant is the owner of the Shopping Center Land defined below, other than Lot 9 of the subdivision legally described on Exhibit A hereto, which is owned by CSK (the “CSK Lot”). Declarant intends that the Shopping Center, as defined herein, shall be constructed on the Shopping Center Land. All of the Shopping Center Land shall be subject to this Declaration. Notwithstanding any other provision hereof, Declarant may add additional land to the Shopping Center and submit the same to the provisions of this Declaration, with such specific provisions related to such additional land as Declarant may reasonably deem appropriate, in Declarant’s sole discretion and without the consent of any other party.

B. **Intent.** Declarant desires to restrict the Shopping Center in accordance with the terms and provisions of this Declaration in order to provide for (i) the orderly development and operation of the Shopping Center, (ii) the construction of compatible improvements in the Shopping Center, (iii) common easements as provided herein, (iv) reciprocal parking rights, and (v) such other matters as are provided herein.

### DECLARATION

**NOW THEREFORE,** Declarant hereby declares that the Shopping Center Land shall be and hereby is subjected to the following covenants, conditions, restrictions and easements, which shall run with the Shopping Center Land, and CSK hereby consents thereto and agrees that the CSK Lot shall be bound and benefited by the same to the same extent as the Shopping Center Land:

#### 1. PRELIMINARY

##### 1.1 Definitions:

1.1.1 **“Building”:** Any Building constructed on the Shopping Center Land.

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a cursive-style name, and the second is a stylized, possibly illegible mark.

1.1.2 **“Building Areas”**: The portions of the Shopping Center upon which Buildings may be constructed, which shall be as determined by Declarant in writing from time to time.

1.1.3 **“Center Monument Signs”**: Monument signs, if any, which are hereafter located in areas allowed by the City and approved by Declarant, and which service more than one Owner, Lot or Lessee.

1.1.4 **“City”**: Saratoga Springs, Utah.

1.1.5 **“Common Facilities”**: All areas of the Shopping Center Land which, from time to time, are not covered by a Building. Canopies which extend over the Common Facilities, together with any columns or posts supporting the same, shall be deemed to be a part of the Building to which they are attached and not a part of Common Facilities.

1.1.6 **“Declarant”**: Declarant as named above, as well as any successor in interest to whom a Declarant assigns its rights as Declarant hereunder.

1.1.7 **“Default Rate”**: A rate of interest equal to the lesser of (i) the highest rate allowed by law, or (ii) six percent (6%) over the Prime Rate.

1.1.8 **“Floor Area”**: With respect to the commercial space in the Shopping Center, Floor Area shall mean the total number of square feet of ground floor space in the Buildings, whether or not actually occupied, excluding basement, subterranean, balcony and mezzanine space, unless that space is used as selling area. Floor Area shall be measured from the exterior line of the exterior walls and from the center line of any party or common interior walls without deduction for columns, walls or other structural or non-structural components. With respect to any office Buildings, Floor Area shall mean the total number of leasable square feet as determined using the latest BOMA standards.

1.1.9 **“Lessee”**: Any Person which has entered into a lease for a portion of the Shopping Center. “Lessee” does not include a sublessee, licensee or concessionaire of a Lessee except for a sublessee of the entire leasehold for a term of fifteen (15) years or more, or the remaining term of the lease if less.

1.1.10 **“Lienholder”**: Any mortgagee under a mortgage or a trustee or beneficiary under a deed of trust constituting a lien on any Lot.

1.1.11 **“Lot Monument Signs”**: Monument signs, to be located on a Lot in locations approved by both the City, Declarant and the applicable Owner.

1.1.12 **“Manager”**: As defined in Section 5.2.

1.1.13 **“Owner”**: The record holder of fee simple title to a Lot, its heirs, personal representatives, successors and assigns.

1.1.14 **“Lot”**: A separate legally subdivided portion of the Shopping Center Land.

1.1.15 **“Person”**: any individual, partnership, limited liability company, firm, association, corporation, trust, governmental agency, administrative tribunal or any other form of business or legal entity.

1.1.16 **“Prime Rate”**: The prime rate of interest reported from time to time on the financial page of the Wall Street Journal (or such successor index as is generally accepted in lieu thereof).

1.1.17 **“Prorata Share”**: a fraction, the numerator of which shall be the Floor Area of completed Buildings on a Lot, and the denominator of which shall be the total Floor Area of completed Buildings on all of the Shopping Center Land.

1.1.18 **“Restrictions”**: The easements, covenants, restrictions, liens and encumbrances contained in this Declaration.

1.1.19 **“Service Facilities”**: Loading docks, trash enclosures, bottle storage areas and other similar service facilities.

1.1.20 **“Shopping Center”**: The shopping center to be built on the Shopping Center Land, together with all improvements located thereon and all appurtenances thereunto pertaining.

1.1.21 **“Shopping Center Land”**: The land legally described on **Exhibit A** attached hereto.

1.1.22 **“Shopping Center Signs”**: Monument signs, if any, which are located at any time on the Shopping Center Land and which service more than one occupant thereof.

1.1.23 **“Site Plan”**: The site plan attached hereto as **Exhibit B**, as the same may be amended from time to time in accordance with the provisions of this Declaration. All depictions of the Shopping Center are conceptual only until actually constructed, and the actual Shopping Center may be constructed differently than shown (including of a significantly larger or smaller size and/or configuration); likewise, actual Lots may vary from what is shown on the Site Plan. The Shopping Center may also be expanded, reduced or otherwise modified (including the type of shopping center and the tenants therein) to such extent as desired at any time and from time to time by Declarant. No assurance is made as to the construction of any portion of the Shopping Center, or the presence or nature of any other occupants, including, without limitation, any “anchor” tenants. Declarant reserves the right to build and modify the Shopping Center as it may desire in its sole discretion at any time, and modify the Site Plan accordingly.

Handwritten initials 'ap' and 'd' are present in the bottom right area of the page, along with a signature.

**2. BUILDING AND COMMON FACILITIES DEVELOPMENT**

**2.1 Building Location:** All Buildings and other structures in the Shopping Center shall be placed or constructed only within the Building Areas, subject to the following terms and conditions:

**2.1.1 Supports.** Canopies, eaves and roof overhangs (including columns or posts supporting the same), normal foundations, utility cabinets and meters, signs and doors for ingress and egress, may project from the Building Area into the Common Facilities of the particular Lot.

**2.1.2 Standard.** All Buildings and other improvements shall be constructed and maintained in accordance with all local, state and federal laws, rules and regulations applicable thereto.

**2.1.3 Parking.** Except as otherwise permitted by Declarant, all Owners shall maintain on each of their Lots, at all times, the greater of (a) the number of parking spaces required by applicable code, and (b) five (5) parking spaces for each one thousand (1,000) square feet of Floor Area. The size of the parking spaces must satisfy the requirements of the City and must be approved by the Declarant. The parking currently provided on the CSK Lot is hereby approved and permitted.

**2.2 Common Facilities:** The Common Facilities are hereby reserved for the use of all Owners of the Shopping Center, their tenants, contractors, employees, agents, customers, licensees and invitees and the subtenants, contractors, employees, agents, customers, licensees and invitees of such tenants. The Common Facilities may be used for their manifestly intended purposes, such as vehicular driving, parking, pedestrian traffic, directional signs, permitted signage, sidewalks, walkways, landscaping, perimeter walls and fences, parking lot lighting, utilities, and Service Facilities, and for no other purpose unless otherwise specifically provided in this Declaration. The Common Facilities shall be constructed in accordance with the Site Plan as it may be modified as permitted herein, and shall be kept and maintained as provided for herein. The sizes and arrangements of the Common Facilities, including, without limitation, service drives and parking areas, striping, traffic directional arrows and signs, concrete bumpers, parking lot lighting, perimeter walls and fences, and landscaped areas, together with necessary planting, may not be materially changed without the prior written consent of Declarant.

**2.3 Type and Design of Building:**

**2.3.1 Quality and Compatibility.** Each Building shall be of first quality construction and architecturally designed so that its exterior elevations (including, without limitation, signs and color) will be architecturally and aesthetically compatible and harmonious with the Buildings constructed therein by Declarant, as determined by Declarant in its sole discretion, subject to the following:

**2.3.1.1 Elevations and Signage.** No Building may be constructed nor the exterior of any existing Building changed in any way (including, without limitation, signs and

color) without the prior written approval of Declarant as evidenced by Landlord's signature on each page of a copy of the applicable plans and specifications.

2.3.1.2 **Plan Approval.** Before the construction of any Building or any modification of an existing Building is commenced, sufficient information shall be sent to the Declarant to enable the Declarant to make a reasonable determination as to the architectural and aesthetic compatibility of said Building or modification with all other Buildings. No approval of the architectural and aesthetic compatibility of any Building or modification of a Building shall waive any requirement that all Buildings be built of first quality construction or any other requirement applicable under this Declaration.

2.3.2 **Fire Rating.** Every Building, including those with party walls, shall be constructed in such a manner as to not adversely affect the insurance fire rating of any other Building (so that each Building shall be fire-rated as a separate and distinct unit without deficiency charge).

2.3.3 **Structural Integrity.** No Building shall be built in such a manner as adversely to affect the structural integrity of any other Building.

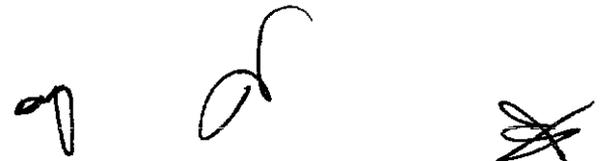
2.3.4 **Building Maintenance.** Each Owner shall maintain or cause to be maintained the exterior of any Building located on such Owner's Lot in a quality and condition comparable to that of first class shopping centers of comparable size and nature located in the same geographic area as the Shopping Center. All Service Facilities shall be attractively screened from view from the parking areas.

2.4 **Construction Requirements:**

2.4.1 **Timing and Manner of Work.** All work performed in the construction, maintenance, repair, replacement, alteration or expansion of any Building, sign or Common Facilities improvements located in the Shopping Center shall be effected as expeditiously as possible and in such a manner as to not unreasonably interfere, obstruct or delay (i) access to or from the Shopping Center, or any part thereof, to or from any public right-of-way, (ii) customer vehicular parking, or (iii) the receiving of merchandise by any business in the Shopping Center including, without limitation, access to Service Facilities. All Common Facilities shown on the Site Plan for a Lot shall be constructed and installed in advance of or in connection with the construction of the Building on the Lot. In addition:

2.4.1.1 Staging for the construction, replacement, alteration or expansion of any Building, sign or Common Facilities improvements located in the Shopping Center including, without limitation, the location of any temporary Buildings or construction sheds, the storage of building materials, and the parking of construction vehicles and equipment, shall be limited to that portion of the Shopping Center approved in writing by the Declarant, which shall be self-contained on the Lot where construction activity is to occur.

2.4.1.2 Unless otherwise specifically stated herein, the Person contracting for the performance of such work ("**Contracting Party**") shall, at its sole cost and expense,



promptly repair and restore or cause promptly to be repaired and restored to its prior condition all Buildings, signs and Common Facilities improvements damaged or destroyed in the performance of such work.

2.4.2 **Liens.** The Contracting Party shall not permit any liens to stand against any Lot for any work done or materials furnished in connection with the performance of any work, subject to the following:

2.4.2.1 The Contracting Party may contest the validity of any such lien, but upon a final determination of the validity thereof, the Contracting Party shall cause the lien to be satisfied and released of record.

2.4.2.2 The Contracting Party shall, within fifteen (15) days after receipt of written notice from an Owner or Lessee, cause any such outstanding lien or claim of lien to be released of record or transferred to bond in a manner reasonably satisfactory to the person giving notice, failing which such Owner or Lessee shall have the right, at the Contracting Party's expense, to transfer said lien to bond.

2.4.2.3 The Contracting Party shall indemnify, defend and hold harmless the Owners, Declarant, and occupants of the Shopping Center from any and all liability, claims, damages, expenses (including reasonable attorneys' fees incurred in or before any action, at trial, on appeal or in bankruptcy court), liens, claims of liens, judgments, proceedings and causes of action, arising out of or in any way connected with the performance of such work, unless caused by the negligent or willful act or omission of the otherwise indemnified person, its tenants, subtenants, agents, contractors or employees.

2.4.3 **Incidental Encroachments.** The Owners acknowledge and agree that incidental encroachments upon the Common Facilities may occur as a result of the use of ladders, scaffolds, store front barricades and similar facilities in connection with the construction, maintenance, repair, replacement, alteration or expansion of Buildings, signs and Common Facilities improvements located in the Shopping Center, all of which are permitted hereunder so long as Declarant approves the same in writing in advance and all activities requiring the use of such facilities are expeditiously pursued to completion and are performed in such a manner as to minimize any interference with use of the improved Common Facilities or with the normal operation of any business in the Shopping Center.

2.4.4 **Insurance.** During the course of any construction or repair as to any Building, the person responsible for such construction or repair shall obtain and maintain:

2.4.4.1 Commercial general liability insurance (as to which the other Owners and Declarant shall be additional insureds) on an "occurrence basis" against claims for "personal injury" including, without limitation, bodily injury, death or property damage occurring on, in or about the Shopping Center and the adjoining streets, sidewalks and passageways, with such insurance to be in single limit coverage in the minimum amount of Three Million Dollars (\$3,000,000.00);



2.4.4.2 Workers' compensation insurance for all employees of the entity conducting such construction who are engaged in such construction, in the amounts established by law; and

2.4.4.3 "Builder's completed value "all risk" insurance against "all risks of physical loss" including collapse and transit coverage, during construction or repair, with deductibles not to exceed Five Thousand Dollars (\$5,000.00), covering the total value of work performed and equipment, supplies and materials furnished.

2.4.5 **Condition Pending Construction.** Each Owner of any Lot, at its expense, shall maintain its Lot held for future construction in a clean condition with weeds and grass cut at all times.

2.5 **Casualty and Condemnation:** In the event all or any portion of any Building is (i) damaged or destroyed by fire or other casualty, or (ii) taken or damaged as a result of the exercise of the power of eminent domain or any transfer in lieu thereof, the Owner of such Building shall promptly restore or cause to be restored the remaining portion of such Building or, in lieu thereof, shall remove or cause to be removed the damaged portion of such Building together with all rubble and debris related thereto. All Building Areas on which Buildings are not reconstructed following a casualty or condemnation shall be graded or caused to be graded by the Owner thereof to the level of the adjoining property and in such a manner as not adversely to affect the drainage of the Shopping Center or any portion thereof, and shall be covered by a one inch asphalt dust cap.

3. **EASEMENTS**

3.1 **Ingress, Egress and Parking:** Each Owner, as grantor, hereby grants to each other Owner and to its tenants, contractors, employees, agents, customers, licensees and invitees, and the subtenants, contractors, employees, agents, customers, licensees and invitees of such tenants, for the benefit of each Lot, a nonexclusive easement for ingress and egress by vehicular and pedestrian traffic and vehicular parking upon, over and across that portion of the Common Facilities located on the grantor's Lot from time to time, except for those areas devoted to Service Facilities or drive-up or drive-through customer service facilities. The rights of ingress, egress and parking set forth in this Section shall apply to the Common Facilities for each Lot.

3.2 **Utility Lines and Facilities:**

3.2.1 **Grant.** Each Owner, as grantor, hereby grants to each other Owner, for the benefit of each Lot belonging to the other Owners, as grantees, a nonexclusive easement under, through and across the Common Facilities of the grantor's Lot for the installation, operation, maintenance, repair and replacement of water drainage systems and structures, water mains and pipelines, storm and sanitary sewer pipelines and systems, water sprinkler system lines, telephone lines, electrical conduits, lines and systems, gas mains and pipelines, and other public or private utilities. In connection therewith:

3.2.1.1 All such systems, structures, mains, sewers, conduits, lines and facilities shall be installed in locations reasonably approved by the burdened Owners, and shall be installed and maintained below ground level or surface of such easement areas, except for ground-mounted electrical transformers and such other facilities as are required to be above ground by the utility providing such service (including temporary service required during the construction, maintenance, repair, replacement, alteration or expansion of any Buildings or improvements located in the Shopping Center).

3.2.1.2 The installation, operation, maintenance, repair and replacement of such easement facilities shall not unreasonably interfere with the use of the improved Common Facilities or with the normal operation of any business in the Shopping Center. The grantee shall bear all costs related to the installation, operation, maintenance, repair and replacement of such easement facilities, shall repair to the original specifications any damage to the Common Facilities resulting from such use, and shall provide as-built plans for all such facilities to the Owners of all Lots upon which such utility lines and facilities are located, within thirty (30) days after the date of completion of construction of same.

3.2.2 **Relocation.** At any time and from time to time the Owner of a Lot shall have the right to relocate on its Lot any utility line or facility installed pursuant to the foregoing grant of easement which is then located in the land of such Owner, provided that any such relocation (i) shall be performed only after sixty (60) days notice of the Owner's intention to undertake the relocation shall have been given to the Owner of each Lot served by the utility line or facility, (ii) shall not unreasonably interfere with or diminish utility service to the Lots serviced by the utility line or facility, (iii) shall not reduce or unreasonably impair the usefulness or function of the utility line or facility, (iv) shall be performed without cost or expense to the Owner or occupant of any other Lot, and (v) shall provide for the original and relocated area to be restored to the original specifications. The Owner performing such relocation shall provide as-built plans for all such relocated utility lines and facilities to the Owners of all Lots served by all such utility lines and facilities within thirty (30) days after the date of completion of such relocation.

3.2.3 **Additional Grants.** Each Owner agrees to grant such additional easements as are reasonably required by any public or private utility for the purpose of providing the utility lines and facilities described herein provided such easements are not otherwise inconsistent with the provisions of this Declaration, and provided that such easements do not interfere with or limit use of Building Areas as shown on the Site Plan.

3.3 **Signs:** Each Owner, as grantor, hereby grants to the other Owners and to each Lessee, for the benefit of each Lot belonging to the other Owners or in which a Lessee has an interest, as applicable, as grantees, an easement under, through and across the Common Facilities of the grantor's Lot for the installation, operation, maintenance, repair and replacement of the free standing signs referred to in **Section 4.3** of this Declaration and all utility lines and facilities appurtenant thereto. Except where otherwise specifically stated herein to the contrary, the grantee shall bear all costs related to the installation, maintenance, repair and replacement of its free standing sign and appurtenant facilities, shall repair to the original specifications any damage to the Common Facilities resulting from such use and shall provide as-built plans for all

such facilities to the Owners of all Lots upon which such facilities are located within thirty (30) days after the date of completion of construction of same.

3.4 **Building Encroachments:** Each Owner, as grantor, hereby grants to the other Owners and Lessees, for the benefit of each Lot belonging to the other Owners or in which a Lessee has an interest, as applicable, as grantees an easement for:

(a) any portion of any Building or structure located on any such Lot which may unintentionally encroach into or over the grantor's adjoining Lot by not more than six (6) inches;

(b) any footings, piers, piles, or grade beams of any Building or structure located on any such Lot which may intentionally or unintentionally encroach into or over the grantor's adjoining Lot, provided the easement for footings, piers, piles, grade beams does not exceed three (3) feet, and provided that the encroachments do not diminish the buildable area of the servient parcel;

(c) the encroachment and construction, maintenance, use, repair, reconstruction rebuilding and replacement of common footings, common foundations and/or common walls if Declarant and/or any Owner use what is commonly known in the construction trade as common footings, common foundations and/or common walls for their respective improvements. As a condition to the use of common footings, common foundations and/or common walls, any Persons agreeing to the use of the same agree that if all or any part of their respective improvements are destroyed and are not restored, then the Person whose improvements are destroyed shall leave in place any foundations, footings and walls (or any portions thereof) which were not destroyed if such foundations, footings or walls were being used as common footings, common foundations or common walls and the other Person using the same desires to continue such use; and

(d) the weather-tight attachment of permitted building improvements constructed on any Lot at and on the building improvements on another Lot, provided the manner of attachment shall be designed in accordance with generally accepted construction and engineering practices in the manner customary for improvements of such type and so as not to impose any load on the building improvements to which the same are to be attached, except as may be approved by the Owner thereof.

The plans and specifications for and location and extent of all easements granted under this **Section 3.1** shall be subject to the prior approval of Declarant, and the plans and specifications showing the improvements specified in this **Section 3.1**, together with the specific request by the grantee of the subject easement for approval of the location and extent of the encroachment of the subject easement, shall be submitted to Declarant prior to commencing use of such easement. The approvals required pursuant to the preceding sentence shall not be unreasonably withheld or delayed, but may be conditioned upon: (i) review and approval of sufficiently detailed plans and specifications for the subject improvements, (ii) the grantee's agreement to reimburse the grantor for all increased costs of construction of the grantor's Building due to such easement, (iii) an agreement from the grantee to defend, indemnify and hold harmless the grantor from and against any loss, costs, damages, liens, casualties, liabilities

and expenses incurred by or asserted against the grantor in connection with our arising out of such easement, (iv) evidence that the grantee has obtained and will maintain adequate insurance concerning the subject easement, as reasonably required by Declarant and/or the grantor, and (v) evidence that the grantee has obtained all applicable governmental permits for the construction of the subject improvements. Approval of the easement shall constitute: (A) designation of the portions of the Shopping Center Land to be used for such easements, and (B) agreement by the grantee to use only those portions of the Shopping Center Land so designated. All footings, foundations, walls and other improvements constructed from time to time on any portion of the Shopping Center Land shall be constructed, maintained and used in compliance with all applicable laws, ordinances, rules and regulations, including applicable zoning ordinances and building codes and shall be constructed in a good and workmanlike manner. The cost of maintaining, repairing and reconstructing any Common Facilities subject to this **Section 3.1** shall be borne equally by the parties affected by such facilities or as such parties may otherwise agree; provided, however, in the event that the maintenance, repair or reconstruction of such facilities is required primarily due to the acts or omissions of one party (the "**Responsible Party**") (or persons acting by, through or under the Responsible Party) and not the other, the Responsible Party shall bear the entire cost of such maintenance, repair or reconstruction. Each of the easements granted and created under this **Section 3.1** shall be effective on the date of this Declaration and shall remain in existence so long as the Building of the grantee (or any restoration or replacement thereof made during the term of this Declaration) remains in existence, including any restoration following a casualty or condemnation.

**4. OPERATION OF COMMON FACILITIES**

**4.1 Parking Charges.** There shall be no charge for parking in the Common Facilities without prior written consent of the Declarant or unless otherwise required by law.

**4.2 Employee Parking.** The employees, contractors, agents, officers and partners of all Owners, Lessees and occupants of the Shopping Center shall use only the Employee Parking Areas on such Owner's Lot for parking.

**4.3 Signs:**

**4.3.1 Location, Design, Content, and Costs.** Subject to governmental approval and the prior written approval of the Declarant with respect to location, size and design: (i) Center Monument Signs may be erected and maintained in the Shopping Center; and (ii) Lot Monument Signs may be placed on each of the Lots, subject to all of the terms and conditions of this Declaration, including the following terms and conditions:

**4.3.1.1** The cost of constructing, maintaining, operating, repairing and replacing the Center Monument Signs shall be paid by the Persons entitled to display designations (other than the Shopping Center designation) thereon in the proportion that the total square footage of each occupant designation bears to the total square footage of all designations entitled to be displayed thereon. The cost of constructing, maintaining, operating, repairing and replacing each Lot Monument Sign shall be paid by the Owner of the Lot on which the sign is

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located or to which it pertains; provided, however, that nothing contained herein shall prevent the Owner of the Lot from shifting such expense to the Lessee or other occupant of the Lot.

4.3.1.2 Each person displaying a designation on the Center Monument Signs shall supply and maintain its own sign fascia and can. The design of the Center Monument Signs' structures shall be determined by the Declarant.

4.3.1.3 The parties entitled to use any Center Monument Sign shall be determined by Declarant.

4.3.1.4 Any Lot Monument Sign may advertise only the business conducted on such Lot. Lot Monument Signs may not be higher than six (6) feet above the finished landscape of the immediately surrounding area and may not be longer than twenty (20) feet, or such smaller size as is the maximum allowed by law.

4.3.2 **Restrictions and Types.** Other than as set forth in this **Section 4.3**, there shall be no signs, except directional signs and signs on Buildings, in the Shopping Center. All exterior building signs on all Buildings shall be restricted to identification of the business or service/product located or provided therein, and shall be subject to Declarant's prior written approval.

4.3.3 **Exterior Sales:** No portion of the Common Facilities may be used for the display and/or sale of merchandise and services, except as approved by Declarant in writing.

4.4 **Lighting:** The lighting in the Common Facilities shall be kept on during such hours as Declarant may determine. Parking lot lighting in the Common Facilities shall be installed, maintained and metered by Manager and shall be included in Common Facilities Maintenance.

## 5. MAINTENANCE AND REPAIR OF COMMON FACILITIES.

5.1 **Maintenance of the Common Facilities:** The Common Facilities shall be operated and maintained in compliance with all applicable governmental laws, rules, regulations, orders and ordinances, the provisions of this Declaration, and in a safe, sound condition, clean and free of rubbish, debris, or other hazards to persons using the same. Except as set forth herein, Manager shall be responsible to operate and maintain all Common Facilities improvements and to repair and replace the same with materials at least equal to the original quality of the materials being repaired or replaced, so as to maintain the architectural and aesthetic harmony of the Shopping Center as a whole. This operation, maintenance and repair (i) shall be performed and carried out promptly and in a first class and workmanlike manner, quality and condition comparable to that of first class shopping centers of comparable size and nature located in the same geographic area as the Shopping Center; (ii) shall be referred to herein as the "**Common Facilities Maintenance**"; and (iii) shall include but not be limited to the following:

a. **Drive and Parking Areas.** Maintaining, repairing, cleaning and replacing all blacktop, paved surfaces and curbs in a smooth and evenly covered condition, and such work



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shall include, without limitation, sweeping, restriping, resealing and resurfacing. (For the purpose of this Section, an overlay of the drive and parking areas shall be considered a maintenance item.)

b. **Debris and Refuse.** Periodic removal of all papers, debris, filth, refuse, ice and snow, including sweeping to the extent necessary to keep the Common Facilities in a first-class, clean and orderly condition. All sweeping shall be done at appropriate intervals during such times as shall not interfere with the conduct of business or use of the Common Facilities by persons intending to conduct business with occupants of the Shopping Center.

c. **Sign and Markers.** Placing, cleaning, keeping in repair, replacing, and repainting any appropriate directional signs or markers, including any handicapped parking signs, and also the Center Monument Signs, except as otherwise determined by Declarant with regard to sign fascia and cans. The Owner of each Lot shall pay the cost of so maintaining the Lot Monument Signs on the Owner's Lot.

d. **Lighting.** Maintaining, cleaning and replacing lighting facilities, including lamps, ballasts and lenses, and utility charges related to lighting the Common Facilities.

e. **Landscaped Areas.** Maintaining all landscaped areas, including landscaping and planters adjacent to exterior walls of Buildings, in an attractive and thriving condition, and replacing shrubs and other landscaping as necessary.

f. **Obstructions.** Keeping the Common Facilities free from any obstructions including those caused by the sale or display of merchandise, unless such obstruction is permitted under the provisions of this Declaration.

g. **Sidewalks.** Maintaining, cleaning and replacing of all sidewalks. Sidewalks shall be cleaned and swept at appropriate intervals during such time as shall not interfere with the conduct of business or use of the Common Facilities.

h. **Traffic.** Regulation of traffic at entrances and exits to the Shopping Center and within the Shopping Center as conditions reasonably require in order to maintain an orderly and proper traffic flow. Each Owner and/or Lessee, as the case may be, shall maintain and repair, at its sole cost, in a clean, sightly and safe condition any exterior shipping/receiving dock area, any truck ramp or truck parking area, and any refuse, compactor or dumpster area on or intended to service such Owner's or Lessee's Lot or Building Area.

i. **Walls.** Maintaining, repairing and replacing, when necessary, all Common Facilities walls, fences, or barricades. At its expense, each Owner of an undeveloped Lot shall maintain its Lot in accordance with the provisions of **Section 2.4.5**.

5.2 **Manager.** The person who is responsible for the operation and maintenance of the Common Facilities from time to time shall be referred to herein as "**Manager**." Declarant shall either operate and maintain the Common Facilities as Manager (either directly or through an affiliate of Declarant) or enter into a contract with a qualified Manager. Each Owner hereby

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grants to Manager, its agents and employees a license to enter upon its Lot to discharge the duties to perform the Common Facilities Maintenance.

5.3 **Promulgation of Rules:** The Manager may promulgate such reasonable, non-discriminatory rules and regulations to govern the use of the Common Facilities as it may deem appropriate from time to time, including the regulation of employee parking.

5.4 **Common Facilities Budget.** A budget for Common Facilities Costs shall be formulated and made effective in the following manner, as applicable:

a. **Submission for Review.** At least sixty (60) days prior to the beginning of each calendar year, or at least thirty (30) days prior to the completion of construction of the first Building in the Shopping Center, Manager shall submit to the Owners an estimated budget (“**Common Facilities Budget**”) for the projected Operating Costs, Management Fee and Common Facilities Charges for the ensuing calendar year (or, in the case of an initial partial calendar year, that ensuing partial year). The Common Facilities Budget shall identify separate cost estimates for major categories in accordance with good shopping center management practice.

b. **Bids.** In determining the Common Facilities Budget, Manager shall submit major items of Common Facilities maintenance work for competitive bid to responsible bidders. Upon an Owner’s request, the names of the bidders and their respective bids shall be furnished to such Owner together with the Common Facilities Budget, and the contract shall be awarded to the low bidder unless Manager shall otherwise reasonably determine.

c. **Approval by Owners.** The Owners shall give written notice to Manager of their approval or disapproval of the Common Facilities Budget before the later of December 10th or thirty (30) days after receipt of such Budget. Failure to give timely notice of approval or disapproval shall be deemed to be approval. If the Owners of more than 75% of the land in the Shopping Center timely object to the Common Facilities Budget or any element thereof by specifying such objection and the reason therefor, the Common Facilities Budget shall not be deemed approved until such objection is resolved. Manager and such objecting Owners shall seek to resolve such objection between them. If the objecting Owners and Manager cannot agree, the matter shall be referred to binding arbitration in accordance with the provisions of this Declaration.

d. **Implementing Budget.** After the Common Facilities Budget is approved, Manager shall contract with the approved bidders, pay all of the Operating Costs, and use its reasonable efforts to perform the Common Facilities Maintenance in accordance with the Common Facilities Budget.

e. **Emergency Repairs.** Notwithstanding the foregoing, Manager shall have the right to make emergency repairs to the Common Facilities to prevent injury or damage to person or property or to prevent disruption in the use of the Common Facilities, provided that Manager shall nevertheless advise the Owners of such emergency condition as soon as reasonably possible, including any corrective measure(s) taken and the cost thereof. If the cost of said emergency action exceeds One Thousand Dollars (\$1,000.00), Manager may charge a

supplemental billing to the Owners, together with evidence supporting such, and the parties responsible for payment of Operating Costs shall pay their proportionate share thereof within thirty (30) days. If the emergency cost is less than the amount collected, the excess is to be reimbursed appropriately or refunded at year end as provided herein.

f. **Unforeseen Items.** Manager shall be entitled to reimbursement of actual expenses for any reasonably unforeseen non-emergency items not included in the Common Facilities Budget without first obtaining each Owner's approval so long as such Owner's Prorata Share of the cumulative amount of such items does not exceed Ten Thousand Dollars (\$10,000.00) in any calendar year.

g. **Disagreement over Unbudgeted Items.** In the event of a good faith disagreement between Manager and any Owner over the amount of or validity of any unbudgeted Common Facilities Charge billed to such Owner by Manager, such Owner may pay such amount under protest, and such Owner's sole remedy shall be to refer such disagreement to binding arbitration in accordance with the provisions of this Declaration.

h. **Reimbursement.** Manager shall be reimbursed for all of its out-of-pocket expenses incurred in performing Common Facilities Maintenance to the extent such expenses are provided for in the approved Common Facilities Budget, or incurred as emergency repairs or unforeseen items as provided above.

i. **Minimizing Operating Costs.** Manager agrees to perform its Common Facilities Maintenance on a non-profit basis with an end to keeping Operating Costs at a reasonable minimum. Notwithstanding, if Manager employs its own personnel to perform parking lot sweeping, snow removal, refuse removal or other like actions for which Manager incurs Operating Costs, Manager shall be entitled to collect for such services its actual direct and indirect costs (including amortization on equipment, if any), as estimated by Manager and approved by the Owners, provided that the total charge is not greater than the lowest available bid from an outside contractor for a comparable service.

5.5 **Operating Costs.** The following expenses shall be referred to as "Operating Costs":

a. **General.** Costs for performing Common Facilities Maintenance, including, without limitation, reimbursements of out-of-pocket expenses as described herein;

b. **Employees.** The expenses (including without limitation hourly compensation paid to or on behalf of employees, and based upon competitive hourly rates) of Manager for work done at the Shopping Center in performing the Common Facilities Maintenance;

c. **Third Parties.** The expenses incurred to unrelated third parties in performing the Common Facilities Maintenance; and

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d. **Liability Insurance.** Liability insurance premiums as provided below.  
and

5.6 **Common Facilities Charge.**

a. **Determination.** Each Owner shall pay to Manager its Prorata Share of the Operating Costs plus a management fee (the “**Management Fee**”) equal to fifteen percent (15%) of the Operating Costs. The amount due from each Owner pursuant to this Section is referred to as the “**Common Facilities Charge.**”

b. **Payment.** Each Owner shall pay its Common Facilities Charge monthly in advance (on or before the first day of each month) based on Manager’s reasonable estimates, which must be provided to each Owner in writing only once each year and shall be deemed to be in effect until further written notice. Within sixty (60) days following the close of each calendar year, Manager will furnish to each Owner a statement of the actual amount of Operating Costs, the Management Fee, and such Owner’s Common Facilities Charge based on actual expenditures for the previous calendar year. If the actual amount of an Owner’s Common Facilities Charge is less than the total amount paid by such Owner for such period, the excess will be applied to the next Common Facilities Charges due until the full credit has been applied. If the actual amount of an Owner’s Common Facilities Charge exceeds the amount paid by such Owner for such period, the Owner shall pay to Manager the amount shown as due thereon within thirty (30) days following the receipt of Manager’s statement. If at any time or times it reasonably appears to Manager that the amount of such Owner’s Common Facilities Charge for the current calendar year will vary from Manager’s estimate, Manager may, by written notice to the Owner, revise Manager’s estimate for such year, and subsequent monthly payments by the Owner for such year will be based upon Manager’s reasonably revised estimate.

5.7 **Common Facilities Liability Insurance.** As a part of the Operating Costs, Manager shall obtain and maintain general public liability insurance insuring Manager and naming the Owners as additional named insureds against any claims for personal injury, death or property damage occurring in, upon or about the Common Facilities, including contractual liability. Such insurance shall be written with a financially responsible insurer licensed to do business in the State of Utah, and shall contain an endorsement requiring thirty (30) days’ written notice to any named insured before cancellation or change in the coverage, scope or amount of the policy. The limits of liability of all such insurance shall be not less than Three Million Dollars (\$3,000,000.00) single liability limit for both personal injury and property damage. If the limits of such insurance become inadequate due to the changes in overall price level or the size of claims being experienced, Manager shall increase the limits based on shopping center industry practices for similarly situated and comparable shopping centers. At the request of any Owner, Manager shall cause a certificate of insurance to be issued and delivered to such person evidencing the insurance required hereunder. If Manager shall not have collected sufficient amounts from occupants of the Shopping Center during prior time periods to pay the premium of the Common Facilities liability insurance, the Owners agree to pay Manager the Owners’ Prorata Shares thereof within two (2) weeks after Manager’s written demand therefor accompanied by evidence of the premium amount.



5.8 **Manager's Rights.** Manager shall have the following rights, among others, in carrying out the Common Facilities Maintenance:

a. **Rules.** To establish and enforce reasonable rules and regulations concerning the maintenance, management, use and operation of the Common Facilities, so long as such rules and regulations do not violate or contradict the terms of this Declaration;

b. **Close Off Facilities.** From time to time to close off any of the Common Facilities to whatever extent required in the reasonable judgment of Manager and its counsel or the Owners to prevent a dedication of any of the Common Facilities or the accrual of any rights by any person or the public to the Common Facilities, provided such closure does not deprive any Owner or Lessee of the substantial benefit and enjoyment of the Shopping Center and further provided any such Owner or Lessee shall be given thirty (30) days' prior written notice of such closure.

c. **Construction.** From time to time to perform such construction relating to the renewal, restoration, remodeling or replacement of the Common Facilities as is authorized or required of Manager as part of the Common Facilities Maintenance; provided that Manager shall use reasonable efforts to minimize the disturbance to businesses in the Shopping Center.

5.9 **Conflict Between Declaration and Leases.** In the event of any conflict between this Declaration and any leases in the Shopping Center, the provisions of this Declaration shall prevail except as between an Owner and any Lessee(s) and any other occupants of a Lot and as between the sublessor and sublessees and occupants of a Lot, in which case nothing contained herein (i) shall excuse the performance of any obligations under the applicable leases, subleases, or occupancy agreements affecting such Lot, or (ii) shall limit or prevent any Owner from passing on to its Lessees and other occupants of its Lot or the Lot in which it has an interest all or some of the obligations accruing to such Owner, Declarant, and/or such Lot pursuant to this Declaration.

5.10 **Exclusions.** Declarant shall have the sole and unfettered right, pursuant to separate written agreement, to grant Owners exclusion from the maintenance provisions hereof as long as such Owners maintain their Lots, including all Buildings and other improvements thereon, in compliance with the standards set forth herein and all applicable governmental laws, rules, regulations, orders and ordinances, and in a safe, sound condition, clean and free of rubbish, debris, and other hazards to persons using the same, and repairs and replaces the same, so as to maintain the architectural and aesthetic harmony of the Property as a whole, performed and carried out promptly and in a first class and workmanlike manner, quality and condition comparable to that of the remainder of the Shopping Center and of first class shopping centers in the City.

6. **OWNER INSURANCE.** Each Owner shall obtain and maintain "All Risk" insurance covering all of the Buildings and improvements located on its Lot, in an amount equal to no less than ninety percent (90%) of the full replacement cost thereof.

7. **EFFECT OF SALE OF A LOT BY AN OWNER**

7.1 **Sale by Owner.** In the event an Owner sells all or any portion of its interest in its Lot, such Owner shall thereupon be released and discharged from any and all obligations as Owner in connection with the property sold or conveyed by it arising under this Declaration after the sale or conveyance of title, but shall remain liable for all obligations arising under this Declaration prior to the sale or conveyance of title.

7.2 **Obligation of New Owner or Declarant.** The new Owner of any such Lot or any portion thereof (including, without limitation, any Owner who acquires its interest by foreclosure, trustee’s sale or otherwise) shall be liable for all obligations arising under this Declaration with respect to such Lot or portion thereof or interest therein after the date of sale or conveyance of title or, as applicable, the sale or assignment of interest.

8. **INDEMNITY**

8.1 **Mutual Release; Subrogation Waiver; General Indemnity:** To the extent that any liability of an Owner or Lessee to another Owner or Lessee is covered by the insured Owner’s commercial general liability insurance policy or property insurance policy, each Owner or Lessee respectively waives all rights of subrogation against the other Owners or Lessees.

8.2 **Indemnification:** Each Owner and Lessee hereby agrees to indemnify, defend and hold harmless the other Owners and Lessees from and against any and all liabilities, claims, damages, expenses (including reasonable attorneys’ fees and reasonable attorneys’ fees on any appeal), judgments, proceedings and causes of action, for injury to or death of any person or damage to or destruction of any property occurring in the interior of any Building or Service Facilities constructed on the indemnifying Owner’s or Lessee’s Lot or Building Area, except to the extent caused by the negligent or willful act or omission of the otherwise indemnified person, its tenants, subtenants, agents, contractors or employees.

8.3 **Hazardous Substances:** Each Owner agrees as follows with respect to its Lot:

8.3.1 **Care of Lot.** Each Owner shall maintain its Lot in full compliance with all applicable Environmental Laws. In this Declaration the term “**Environmental Laws**” shall mean any federal, state or local statute, ordinance, rule, regulation or guideline pertaining to health, industrial hygiene, or the environment, including without limitation the federal Comprehensive Environmental Response, Compensation, and Liability Act; and the term “**Hazardous Substance**” shall mean all substances, materials and wastes that are or become regulated or classified as hazardous or toxic, under any Environmental Law.

8.3.2 **Notification.** If any Owner becomes aware of any condition relating to the existence, release or threatened release of any Hazardous Substance or violation of any Environmental Law on its Lot, the cure or remediation of which is required by law or dictated by commercially reasonable business practices, such Owner shall promptly notify the other Owners in writing thereof and shall promptly cure or remediate such condition.

8.3.3 **Right to Cure.** If any party hereto or any Owner (a “**Defaulting Party**”) fails to maintain its Lot as required herein, or perform its duty to cure or remediate as set forth

herein, another party/Owner (a “**Non-defaulting Party**”) may proceed to cure after thirty (30) days’ written notice and failure of the Defaulting Party to commence, and thereafter diligently to prosecute, such cure, and the Non-defaulting Party shall be entitled to a reimbursement of all costs incurred in effecting such cure, together with interest at the Default Rate from the date such costs were paid, plus Collection Costs. In case of an emergency, the person becoming aware of the condition shall attempt reasonable efforts to notify the person with the duty of cure of the condition requiring attention; however, any person may in such emergency, without notice, proceed in good faith to effect a cure, giving such notice later as soon as possible.

8.3.4 **Indemnity.** The Owner of each Lot agrees to indemnify, defend and hold harmless the other Owners and occupants of all other Lots from and against any and all liabilities, claims, damages, expenses (including reasonable attorneys’ fees and reasonable attorneys’ fees on any appeal), judgments, proceedings and causes of action, relating to or connected with any of the foregoing mentioned in this **Section 8.3**, for injury to or death of any person or damage to or destruction of any property occurring on or originating from said Owner’s Lot or arising out of the act or omission of such Owner, its tenants, subtenants and their successors and assigns, unless caused by the negligent or willful act or omission of the otherwise indemnified person, its agents, contractors or employees.

9. **RESTRICTIONS ON USE.** In no event will the Shopping Center or any portion thereof be used as or for any of the following (the “**Prohibited Uses**”): the sale or service of automobiles or other vehicles; funeral parlor; animal clinic or animal boarding (kennel) unless part of a pet store; for musical/dance reviews or topless/nude shows; so-called “flea market”; warehousing, except as incidental to a retail business; any business or use that emits offensive odors, fumes, dust or vapors or is a public or private nuisance or emits loud noise or objectionable sounds or creates fire, explosive or other hazard, except that normal restaurant odors shall be permitted; any place of public entertainment or amusement including but not limited to a bowling alley, skating rink, electronic or mechanical games arcade (except as an incidental use to a retail or commercial business, in which case such use shall be restricted to less than five percent (5%) of the floor area occupied by such business), billiard room or pool hall, health spa or studio or fitness center (except that a smaller health spa/fitness studio such as “Curves” shall be permitted), massage parlor, discotheque, dance hall, banquet hall, night club, bar or tavern, “head shop,” pornographic or “adult” store of any kind, racquetball court or gymnasium (except as provided above), or other place of public amusement; the manufacture, storage, sale or consumption of drugs, except the legal personal use or possession for legal personal use of drugs for medicinal purposes; or any gambling. If the provisions of this **Section 9** shall be breached or shall be threatened to be breached, Manager, Declarant, any Owner or any Lessee shall be entitled to injunctive relief or any other appropriate remedy at law or in equity whether provided by statute or otherwise, as such elect.

10. **CONDEMNATION.** If at any time or times all or any part of the Common Facilities shall be taken or condemned by any public authority under power of eminent domain, the provisions of this Section shall apply. A voluntary sale or conveyance of all or any part of the Common Facilities in lieu of condemnation but under threat of condemnation shall be deemed to be a taking by eminent domain. All compensation, damages, and other proceeds from any such taking by power of eminent domain (“**Condemnation Award**”) attributable to the value of any

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land within the Common Facilities shall be payable only to the Owner thereof (and its assigns, as per lease or otherwise), and no claim thereon shall be made by the other Owners; provided, however, that all other Owners may file collateral claims with the condemning authority over and above the value of the land and improvements located within the Common Facilities so taken to the extent of any damage suffered by their respective Building Areas resulting from severance of the appurtenant portions of the Common Facilities so taken. The Owner of the portions of the Common Facilities so condemned shall promptly repair and restore the remaining portion of the Common Facilities so owned by such Owner as near as practicable to the condition of the same immediately prior to the condemnation and without contribution from any other Owner; provided, however, that the obligation to repair or reconstruct shall be limited such that the cost thereof shall not exceed the amount of the Condemnation Award payable to the Owner of the Common Facilities so condemned less said Owner's costs associated with the condemnation, including but not limited to attorneys' fees and court costs arising out of the condemnation proceedings.

11. GENERAL PROVISIONS

11.1 **Covenants Run With the Land:** Each restriction on each Lot shall be a burden on that Lot, shall be appurtenant to and for the benefit of the other Lots and each part thereof and shall run with the land.

11.2 **Successors and Assigns:** This Declaration and the Restrictions created hereby shall inure to the benefit of and be binding upon the Owners, their heirs, personal representatives, successors and assigns, and upon any Person acquiring a Lot, or any portion thereof, or any interest therein, whether by operation of law or otherwise, to the extent that the foregoing is consistent with the provisions of **Section 7** of this Declaration. With respect to rights in or to any Lot which have been severed from the rights or estates owned by Declarant pursuant to the terms of this Declaration, Declarant intends that such rights remain severed notwithstanding that during any time in which this Declaration is in effect, Declarant or any other person may own the underlying estate or servient estate as well as the lessor's right or dominant estate, respectively, so that Declarant's purposes in making this Declaration, as listed in the recitals, may be served, and any doctrine of merger of estates, or principle of law having similar effect, shall not apply to diminish any right hereunder or combine any right created or severed hereunder with any other estate or interest.

11.3 **Duration:** Except as otherwise provided herein, the term of this Declaration shall be for fifty (50) years and shall be thereafter automatically renewed for successive terms of ten (10) years unless terminated by a termination notice from Owners and first mortgage Lienholders owning or having first mortgage (including trust deed) liens upon, more than seventy-five percent (75%) of the Shopping Center Land, which termination notice shall be executed by said Owners and mortgage lienholders and recorded in the records of the Utah County Recorder at least one (1) year before the termination of the primary term or any renewal term.

11.4 **Arbitration:** As required by specific references within this Declaration to arbitration but otherwise only with the consent of the persons affected thereby, any controversy or claim arising out of or relating to this Declaration, or the breach thereof, shall be settled by



arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, with any specific adjustments made for the state of Utah and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

**11.5 Injunctive Relief:** In the event of any violation or threatened violation by any person of any of the Restrictions contained in this Declaration, any or all of the Owners of the property included within the Shopping Center shall have the right to enjoin such violation or threatened violation in a court of competent jurisdiction. The right of injunction shall be in addition to all other remedies set forth in this Declaration or provided by law.

**11.6 Modification and Termination:** This Declaration may not be modified in any respect or terminated, in whole or in part, except with the consent of (a) the Owners owning 51% of the Shopping Center Land, and (b) Declarant as long as Declarant owns any interest in the Shopping Center Land; and then only by written instrument duly executed and acknowledged by the same as set forth in **Section 11.7** below and recorded in the office of the recorder of the county in which the Shopping Center is located. No modification or termination of the Declaration shall affect the rights of any first Lienholder unless the first Lienholder consents in writing to the modification or termination. Nothing herein contained, and no violation of these covenants, conditions, and restrictions, shall invalidate or impair the lien of any mortgage or deed of trust, given in good faith and for value.

**11.7 Not a Public Dedication:** Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Shopping Center to the general public or for the general public or for any public purpose whatsoever, it being the intention of the Owners that this Declaration shall be strictly limited to and for the purposes herein expressed.

**11.8 Breach Shall Not Permit Termination:** It is expressly agreed that no breach of this Declaration shall entitle any Owner or Lessee to terminate this Declaration, but such limitation shall not affect in any manner any other rights or remedies which such Owner or Lessee may have hereunder by reason of any breach of this Declaration. Any breach of the Declaration shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value, but this Declaration shall be binding upon and be effective against any Owner whose title is acquired by foreclosure, trustee's sale or otherwise.

**11.9 Default:** A person shall be deemed to be in default of this Declaration only upon the expiration of thirty (30) days (unless another period is specified elsewhere in this Declaration with regard to a specific kind of default) from receipt of written notice from Declarant, Manager, any Owner or any Lessee specifying the particulars in which such person has failed to perform the obligations of this Declaration, unless such person, prior to the expiration of said thirty (30) days (or other such period as is elsewhere specified), has rectified the particulars specified in said notice of default. However, such person shall not be deemed to be in default if such failure cannot be rectified within said thirty (30) day period (or other specified time period) and such person is using diligent good faith efforts to rectify the particulars specified in the notice of default.

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# SHARED PARKING AGREEMENT

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11.10 **Notices:** All notices given pursuant to this Declaration shall be in writing and shall be given by personal delivery, by United States express mail, or other established express delivery service (such as Federal Express), postage or delivery charge prepaid, return receipt requested, addressed to Declarant as designated below, and to other parties subject hereto at their respective addresses shown on the then current real property tax rolls of the county in which the Shopping Center is located:

Declarant: Amsource Saratoga NWC, LLC  
Attn: President  
358 S. Rio Grande, Suite 200  
Salt Lake City, Utah 84101

With a copy to Declarant's General Counsel at the same address.

The person and address to which notices are to be given may be changed at any time by any party upon written notice to the other parties. All notices given pursuant to this Declaration shall be deemed given upon receipt. For the purpose of this Declaration, the term "**receipt**" shall mean the earlier of any of the following: (i) the date of delivery of the notice or other document to the address specified above as shown on the return receipt, (ii) the date of actual receipt of the notice or other document by the person or entity specified pursuant hereto, or (iii) in the case of refusal to accept delivery or inability to deliver the notice or other document, the earlier of (A) the date of the attempted delivery or refusal to accept delivery, (B) the date of the postmark on the return receipt, or (C) the date of receipt of notice of refusal or notice of non-delivery by the sending person.

11.11 **Waiver:** The failure of a person to insist upon strict performance of any of the Restrictions contained herein shall not be deemed a waiver of any rights or remedies that said person may have, and shall not be deemed a waiver of any subsequent breach or default in the performance of any of the Restrictions contained herein by the same or any other person.

11.12 **Attorneys' Fees:** In the event any person initiates or defends any legal action or proceeding related to this Declaration, the prevailing party in any such action or proceeding shall be entitled to recover from the non-prevailing party in any such action or proceeding its reasonable costs and attorneys' fees (including its reasonable costs and attorneys' fees on any appeal).

11.13 **Severability:** If any term or provision of this Declaration or the application of it to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Declaration or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby so long as the severed provision does not affect the basic consideration for this Declaration, and each term and provision of this Declaration shall be valid and shall be enforced to the extent permitted by law.

11.14 **Third Party Beneficiary Rights:** This Declaration is not intended to create, nor shall it be in any way interpreted or construed to create, any third party beneficiary rights in any person or entity not specifically mentioned herein, unless otherwise expressly provided herein.



SHARED PARKING AGREEMENT

11.15 **Captions and Headings:** The captions and headings in this Declaration are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.

11.16 **Construction:** In construing the provisions of this Declaration and whenever the context so requires, the use of a gender shall include all other genders, the use of the singular shall include the plural, and the use of the plural shall include the singular.

11.17 **Joint and Several Obligations:** In the event any party hereto is composed of more than one Person, the obligations of said party shall be joint and several.

EXECUTED as of the day and year first above written.

AMSOURCE SARATOGA NWC, LLC,  
a Utah limited liability Company, by its  
Manager, Amsource Realty Advisors, LLC,  
a Utah limited liability company

By: David R. Gaskill  
David R. Gaskill, Manager

By: John R. Gaskill  
John R. Gaskill, Manager

AMSOURCE SARATOGA CSK, LLC,  
a Utah limited liability Company, by its  
Manager, Amsource Realty Advisors, LLC,  
a Utah limited liability company

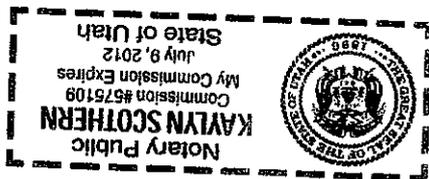
By: David R. Gaskill  
David R. Gaskill, Manager

By: John R. Gaskill  
John R. Gaskill, Manager

STATE OF UTAH;  
COUNTY OF SALT LAKE:

On February 20, 2009 personally appeared before me David R. Gaskill and John R. Gaskill and duly acknowledged to me that they executed the foregoing instrument in the capacities indicated.

NOTARY PUBLIC: K. Scothern



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**EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY**

Lots 2-10, Saratoga Wal-Mart Subdivision, according to the official plat thereof, on file and of record in the office of the Utah County Recorder.

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**City Council  
Staff Report**

**Code Amendments**

**19.01, 19.02, 19.04, 19.05, 19.06, 19.09, 19.11, 19.12, 19.13, 19.14, 19.15** (*entire Code noticed*)

**October 7, 2014**

**Public Hearing**

Report Date:	Tuesday, September 30, 2014
Applicant:	Staff and Subcommittee Initiated
Previous Meetings:	Subcommittee meetings; PC Hearings 8/14, 8/28, 9/11
Land Use Authority:	City Council
Future Routing:	None
Author:	Kimber Gabryszak, Planning Director

**A. Executive Summary:**

Staff and the Subcommittee have prepared multiple amendments to the Land Development Code (Code) to continue the process of clarifying and cleaning up the Code. These amendments are to the following sections:

- 19.01 – General Provisions (PC Recommendation 8/28/2014)
- 19.02 – Definitions
- 19.04 – Land Use Zones
- 19.05 – Supplementary Regulations
- 19.06 – Landscaping and Fencing
- 19.09 – Parking
- 19.11 – Lighting (new chapter) (PC Recommendation 8/28/2014)
- 19.12 – Subdivisions
- 19.13 – Development Review Processes
- 19.14 – Site Plan Review
- 19.15 – Conditional Use Permit

The Council held a hearing on October 7, 2014 and discussed Chapters 19.01 through 19.09, and continued the hearing, discussion, and decision to the next meeting. Items changed in this report since the last meeting are highlighted in blue for the Council’s convenience.

**Recommendation:**

**Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and choose from the options in Section H of this report. Options include approval of all or part of the amendments, continuation of all or part of the amendments with direction on changes needed, denial of all or part of the amendments, or a combination.**

- B. Background:** As the Council, Commission, and Staff apply the Code to applications, various issues, vagaries, inconsistencies, and other necessary amendments are brought to light. In response to this ever-growing list, in October of 2013 the Council appointed a Development Code (Code) Update Subcommittee consisting of two City Councilors and one member of the Planning Commission, and City staff as appropriate. The Subcommittee has met frequently to discuss, prioritize, edit, and guide the ever-growing list of potential Code amendments.

**Planning Commission Hearings and Recommendations**

The Planning Commission held a public hearing on August 14<sup>th</sup>, 2014 and discussed Chapters 19.01, 19.02, and 19.04. With direction from the Commission and Subcommittee, Staff made edits to 19.02 to clarify yards, and also 19.04 and 19.05 regarding Accessory Buildings that do not require building permits.

The Commission held a continued hearing on August 28<sup>th</sup>, and forwarded a positive recommendation on Chapters 19.01 and 19.11, Lighting. The Commission also gave direction on changes to Chapter 19.05 concerning setbacks for accessory buildings.

The Commission held an additional continued hearing on September 11, 2014, reviewed the changes and remaining sections, and forwarded a positive recommendation on the remaining amendments, with a few modifications.

Minutes from these three meetings were attached in the October 7, 2014 packet.

- C. Specific Request:** The proposed amendments are summarized generally below, with specific details outlined in Exhibits 3 and 4.

- 19.01. General Provisions (formatting only)
- 19.02. Definitions
  - Restore heading.
  - Building Height method and relocation of definition.
  - Define “Double access”, “Driveway”, “Fence”, “Finished surface grade”, and “Institutional Use”.
  - Modify “Landscaping” to permit use of decorative rock.
  - Clarify the definitions for various “yards” and insert graphic.
  - Add “Storage, Outdoor”, “Storage, Vehicle”, and “Contract Services Office”.
  - After PC recommendations, at direction of the Council during another Code amendment, adding “Swimming Pool” Private, Community, and Public
  - Minor changes recommended by the Subcommittee (in blue in the exhibits)
- 19.04. Land Use Zones
  - Clean up formatting.
  - Permit small accessory structures to be within interior side and rear setbacks, referencing new standards in 19.05.
  - Add “Storage, Outdoor”, “Storage, Vehicle”, and “Contract Services Office” to use chart.
  - Minor formatting changes recommended by the Subcommittee (in blue in exhibits)

- 19.05. Supplementary Regulations
  - A new section in 19.05 to address accessory structures.
  - Permit encroachments in the side and rear setbacks only, for buildings not requiring a building permit.
  - Staff and the subcommittee recommended prohibiting accessory buildings in the street-side yard on corner lots; however, the majority of the Commission desired to permit them in that location. The Commission supported additional conditions as proposed by the subcommittee and staff to minimize impacts to neighbors.
    - Clear view triangle compliance
    - Require 20' driveways for buildings intended to house cars, trucks, and other automobiles
    - Limit to street side yards only for corner lots that have backyards abutting backyards
    - Prohibit openings toward the street side property line
  - Prohibit footings.
  - Require structure to be compatible in appearance to primary dwelling.
  - Reference State Code for Public Utility Easement risks.
  - Require fire ratings for structures within the setback.
  - Prohibit drainage onto another lot or onto public property.
  - Limit accessory buildings to 30% of the yard in which they are placed, rather than limiting number of accessory buildings.
  - The Planning Commission also recommended that the City Council consider adopting a resolution to grandfather existing accessory buildings within the front and street-side yard setbacks.
  - **Minor changes recommended by the Subcommittee and Council, highlighted in blue**
  
- 19.06. Landscaping and Fencing
  - Modify fencing requirements along open space & trails to allow flexibility. *Permit privacy fencing along trails abutting non-arterial roads. Require semi-private fencing along arterial roads.*
  - Prohibit parallel fencing.
  - Require water-conserving irrigation for commercial and multi-family developments.
  - Reduce tree caliper size & increase number required.
  - Reduce turf & implement standards for use of rock.
  - Implement improved tree preservation standards.
  - Clarify clear-view triangle standards and measurements.
  - **Minor changes recommended by the Subcommittee and Council, highlighted in blue.**
  - **Fencing language has remained in the report for background and reference only, however the Council tabled fencing changes for a future discussion.**
  
- 19.09. Parking
  - Remove “by zone” from the parking requirements, as they are determined by use rather than by zone.
  - Reference the landscaping chapter.

The following sections have not yet been discussed by Council, and for readability will not be highlighted entirely. Only the changes since the last meeting will be highlighted.

- 19.11. Lighting
  - Create new chapter to incorporate dark sky standards and ensure consistent design throughout the city, and address the needs of Camp Williams as outlined in the Joint Land Use Study.
    - Downward directed.
    - Full cutoff / fully shielded.
    - Wall and sign lighting limitations.
  - Remove design standards from the Engineering manual and place in the Land Development Code.
    - Black, metal, decorative base, etc.
  - Increase timing for intermittent lighting to 10 minutes, and add residential security lighting exception, as discussed by Commission.
  - Language has been reviewed by Camp Williams and is consistent with the Joint Land Use Study recommendations.
  - Minor changes recommended by the Subcommittee, highlighted in blue.
  
- 19.12. Subdivisions
  - Clearly state that illegal subdivisions are not eligible for development until corrected.
  - Revise submittal requirements for thoroughness and consistency with Engineering.
  - Create process for plat amendments.
  - Limit driveways within certain distance of Redwood Road.
  - Address standards for phased developments.
  - Address mechanisms for open space phasing to ensure completion & improvement.
  - Implement criteria for shared driveways.
  - Minor changes recommended by the Subcommittee, highlighted in blue.
  
- 19.13. Development Review Processes
  - Enable internal processing of public hearing notice mailings at cost of applicant.
  - Add processes to Land Use Authority table.
  - Add and streamline amendment processes (plat, site plan, DA, etc.).
  - Create process for a “Change of Use” Permit.
  - Create a separate section for Concept Plan. Require new concept plan after 3 years.
  - Create option for neighborhood canvas in addition to neighborhood meeting.
  - Address mechanisms for open space phasing to ensure completion & improvement.
  - Revise submittal requirements for thoroughness and consistency with Engineering.
  - Minor changes recommended by the Subcommittee, highlighted in blue.
  
- 19.14. Site Plan Review
  - Update content requirements.
  - Revise submittal requirements for thoroughness and consistency with Engineering.
  - Create standards and process for amendments.
  - Minor changes recommended by the Subcommittee, highlighted in blue.

- 19.15. Conditional Use Permit
  - Create two types: existing building or site, and new building or site.
  - Add standards for vehicle storage to ensure ongoing compatibility.
- Any other sections or topics needing further discussion based on Council direction.

**D. Process:** Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.  
*Complies. There is no application as this is Staff initiated, and the Commission has forwarded recommendations on the amendments.*
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.  
*Complies. Please see Sections F and G of this report.*
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.  
*Complies. Please see Section E of this report. After the Planning Commission recommendations, a public hearing is being held with the City Council.*
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.  
*Complies. Please see Section E of this report.*

**E. Community Review:** Per Section 19.17.03 of the City Code, this item was noticed as a public hearing in the *Daily Herald* for the October 7, 2014 meeting, and as these amendments affect the entire City, no mailed notice was required. The hearing was continued to this date.

As of the date of this report, written public input on accessory setbacks has been received and was provided to the Planning Commission at noticed hearings, as well as verbal public input at the hearings and at the October 7 Council hearing.

**F. General Plan:**

**Land Use Element**

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, and implement ordinances and guidelines to assure quality of development.

**Staff conclusion: consistent**

The proposed changes help to clarify previously unclear standards to aid in responsible and orderly development, and help improve areas of difficulty in the Code to better assure quality of development. Property rights are expanded in some areas such as fencing and accessory setbacks, while appropriate limitations will protect the health, safety, and welfare of the City and residents.

The goals and objectives of the General Plan are not negatively affected by the proposed amendments, community goals will be met, and community identity will be maintained.

**G. Code Criteria:**

**Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.**

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

**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;  
*Consistent. See Section F of this report.*
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
*Consistent. The amendments help make standards clearer to ensure that they are fully met, and minimize impacts of new development on the community through appropriate limitations.*
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  
*Consistent. The stated purposes of the Code are found in section 19.01.04:*
  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.

*The amendments are intended to promote orderly growth, address issues with Code application that have arisen over time, ensure that appropriate standards are in place and that such standards will be effective, and support the General Plan.*

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.

***Consistent.** The amendments will better protect the community through more efficient, predictable, and clear standards. Where property rights are increased, limitations are being implemented to ensure the increases are balanced with the protection of the community.*

## **H. Recommendation / Options:**

Staff recommends that the City Council conduct a public hearing, discuss any public input received, give feedback on the amendments, and choose from the options below.

### **Option A – Approval**

The City Council may choose to **approve all or some** of the amendments to the Code Sections listed in the motion, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to approve the proposed amendments to Sections 19.01, 19.02, 19.04, 19.05, 19.06, 19.09, 19.11, 19.12, 19.13, 19.14, and 19.15, with the Findings and Conditions below:

#### **Findings:**

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference, by supporting the goals and policies of the General Plan.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference, and will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public by helping make the processes more streamlined and effective, and broadening property rights and making standards clearer to ensure that they are fully met.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference, and will more fully carry out the general purposes and intent of the Code and any other ordinance of the City, as the amendments are intended to promote orderly growth, ensure that appropriate standards are in place and that such standards will be effective, and support the General Plan.
4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference and will better protect the community through more efficient, predictable, and clear standards.

#### **Conditions:**

1. The amendments shall be edited as directed by the Council: \_\_\_\_\_

**Option B – Continuance**

Vote to **continue all or some** of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to 19.02, 19.04, 19.05, 19.06, 19.09, 19.12, 19.13, 19.14, and 19.15 of the Code to the October 21<sup>st</sup> meeting, with the following changes to the draft:

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**Option C – Denial**

Vote to **deny** all or some of the proposed Code amendments.

**Motion:** “Based upon the evidence and explanations received today, I move to **deny all or some** of the proposed amendments to 19.01, 19.02, 19.04, 19.06, 19.09, 19.11, 19.12, 19.13, 19.14, and 19.15-of the Code with the Findings below:

**Findings**

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Council: \_\_\_\_\_
  2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Council: \_\_\_\_\_
  3. \_\_\_\_\_
- 

**I. Exhibits:**

1. Title 19 – Amendments, Clean copy, changes in yellow for convenience (pages 9-111)
  - a. 19.01 – (not included – formatting only.)
  - b. 19.02 – definitions (p.10-23)
  - c. 19.04 – zones (p.24-45)
  - d. 19.05 – changes and new section (p. 46-47)
  - e. 19.06 – landscaping/fencing (p.48-55)
  - f. 19.09 – parking (p.56-57)
  - g. 19.11 – lighting (p.58-65)
  - h. 19.12 – subdivisions (p.66-80)
  - i. 19.13 – development review processes (p.81-95)
  - j. 19.14 – site plan review (p.96-103)
  - k. 19.15 – Conditional Use (p.104-111)
  
2. Title 19 – Amendments, Working copy with changes tracked (pages 112-230)
  - a. 19.01 – formatting (p.113)
  - b. 19.02 – definitions (p.114-129)
  - c. 19.04 – zones (p.130-152)
  - d. 19.05 – change and new section on accessory buildings (p.153-155)
  - e. 19.06 – landscaping/fencing (p.156-164)
  - f. 19.09 – parking (p.165-167)
  - g. 19.11 – lighting (p. 168-175)
  - h. 19.12 – subdivisions (p.176-197)
  - i. 19.13 – development review processes (p.198-212)
  - j. 19.14 – site plan review (p.215-221)
  - k. 19.15 – Conditional Use (p.222-230)

**Title 19. LAND DEVELOPMENT CODE.**

**Chapters:**

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

**Sections:**

**19.01.01. Interpretation**

**19.02.02. Definitions**

**19.02.01. Interpretation.**

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

**19.02.02. Definitions.**

As used in this Title:

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

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.

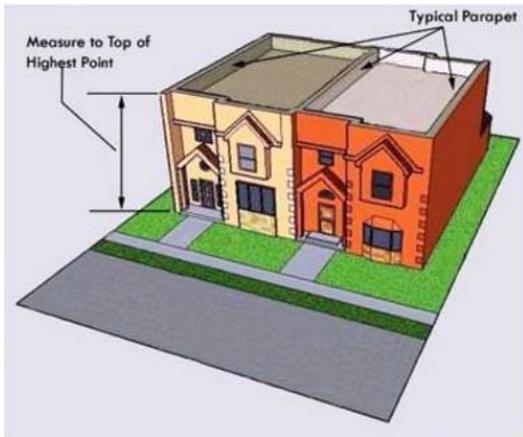
30. **“Building”** means a structure having a roof supported by columns or walls, intended or used for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

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

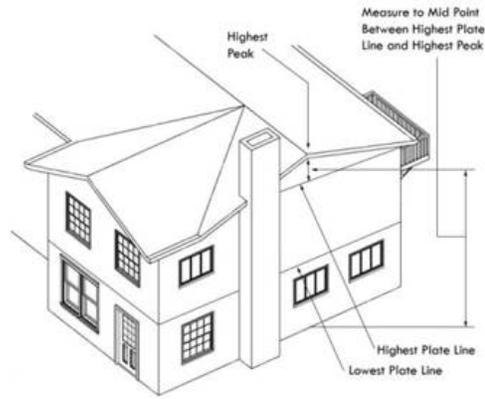
32. **“Building, Agriculture”:** see **“Agriculture Building”**

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

33. **“Building height”** or **“Structure height”** means the vertical distance from the finished grade surface of every point along the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs, directly above the point of measurement. See the following drawings:



*Flat or Mansard, to highest point*



*Hip, Gambrel, Gable*

34. **“Building inspector”** means an individual appointed by the City of Saratoga Springs to enforce the provisions of the building code.
35. **“Building lot”**:
- a. “Building lot” means a parcel of land:
    - i. which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located; and
    - ii. having frontage on a public or approved private street which shall be extended the full required frontage of the lot and improvements installed as required by the City.
  - b. No building lot shall utilize any part of the temporary end or dead end of a street for frontage.
36. **“Building, main”**: see **“Main building”**
37. **“Building material sales (with outdoor storage)”**:
- a. “Building material sales (with outdoor storage)” means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold.
  - b. Facilities covered under the definition in Subsection a. may also:
    - i. process lumber by performing millwork, planning, cutting, and other customizing processes; and
    - ii. provide for the sale of associated products including tools and fasteners.
38. **“Building material sales (without outdoor storage)”** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are sold.
39. **“Building Official”** or **“City Building Official”** means the City of Saratoga Springs Building Official.
40. **“Building, public”**:

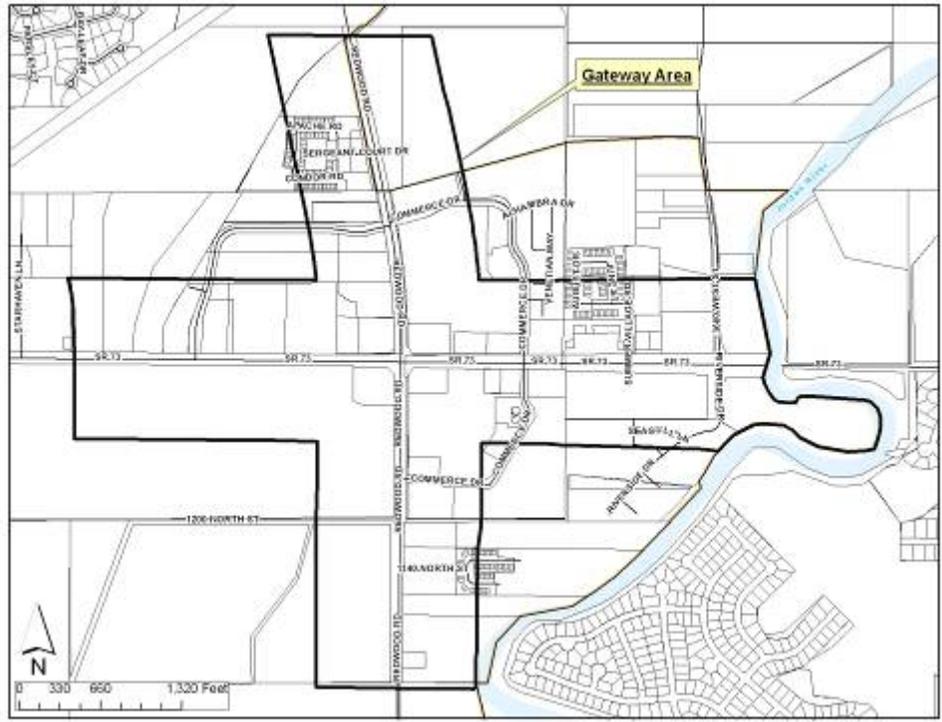
52. **“Commercial recreation”** means any commercial enterprise which receives a fee in return for the provision of some recreational activity including racquet clubs, health facilities, and amusement parks, but not including amusement centers.
53. **“Commercial and industrial laundries”** means an establishment:
- which launders or dry cleans articles on site; and
  - where all articles are dropped off on the premises by multiple laundry services and not the individual customers.
54. **“Commuter/Light Rail Station”** means a place designated for commuter or light rail trains or cars to stop to allow for boarding of passengers including park-and-ride stations and transfer stations.
55. **“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.
56. **“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.
57. **“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.
58. **“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.
- The definition provided in this Section specifically excludes automobile or equipment supplies otherwise classified in this Chapter.
  - Typical uses under this definition include building material stores and home supply establishments.
59. **“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.
60. **“Convenience Store”** means a building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.

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.

72. **“District Area Plan”** means a document, containing the information set forth in Section 19.26.13, that is required at the time property within a proposed Large-scale Planned Community District under Section 19.26.13 is assigned the designation of Planned Community Zone.
73. **“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.
74. **“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.
75. **“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.
76. **“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.
77. **“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.
78. **“Dwelling, Above Commercial”** means a building which contains dwellings located above the ground floor of a commercial, office, or retail use.
79. **“Dwelling, Multi-family”** means a building or buildings sharing common walls or common interior floors and containing four or more dwellings..
80. **“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.

92. **“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.
93. **“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.
94. **“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)
95. **“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.
96. **“FEMA”** is an acronym for the Federal Emergency Management Agency.
97. **“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.
98. **“Festival (including Bazaars or Fairs)”** means a not for profit activity or event that may only include shows, games, non-mechanical rides, concessions, or any combination thereof.
99. **“Fee schedule”** means the list or appendix of fees, also known as the Consolidated Fee Schedule for the City of Saratoga Springs, adopted periodically by the governing body which sets forth various fees charged by the City.
100. **“Final plat”** means a map of a subdivision which is prepared for final approval and recordation, which has been accurately surveyed so that streets, alleys, blocks, lots, and other divisions thereof can be identified and meeting any other requirements of this Ordinance or State or County Statutes.
101. **“Financial institution”:**
- a. means an establishment whose principal purpose is the handling of monetary affairs for members, clients, or the public at large;
  - b. includes banks, credit unions, savings and loans, mortgage offices, investment companies, trust companies, and similar entities; and
  - c. does not include Non-Depository Institutions.
102. **“Finished surface grade”:** means the elevation of the finished ground surface adjacent to and measured along all exterior walls.
103. **“Fire code”** means the International Fire Code adopted by the City by ordinance and codified in Title 18.
104. **“Fitness Center”** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.
105. **“Flag lot”** means an L-shaped lot comprised of a staff portion contiguous with the flag portion thereof, the minimum width of the staff being thirty feet and the maximum length determined by the City of Saratoga Springs.
106. **“Flood plain”** means a land area subject to being inundated by water from any source and is generally defined as a “zone A” (100 year flood area) area as defined in FEMA’s Flood Insurance Rate Maps of the City of Saratoga Springs.
107. **“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.



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

117. **“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).

118. **“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.

119. **“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.

120. **“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.

121. **“Height”** see “Building Height”

122. **“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).

123. **“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.

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

125. **“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.

126. **“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.

127. **“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.

128. **“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.

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

130. **“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.

131. **“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.

132. **“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.
133. **“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.
134. **“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; and
  - b. ground cover, such as mulch, bark, and decorative rock; and
  - c. ponds, fountains, falls, and streams; and
  - d. statues, outdoor artwork, benches and tables, earth berms, pots and planters.
135. **“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.
136. **“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.
137. **“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.
138. **“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.
139. **“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.
140. **“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

250. **“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.
251. **“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.
252. **“Side yard”**: see **“Yard, side”**
253. **“Sidewalk”** means a passageway for pedestrians, excluding motor vehicles.
254. **“Single family dwelling”**: See **“Dwelling, Single family”**
255. **“Stable”** means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.
256. **“Sexually oriented business”** is defined in 19.23.02.
257. **“Storage - Self-storage or mini-storage units”**:
- a. means a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and
  - b. may include refrigerated or climate-controlled facilities.
258. **“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.
259. **“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.
260. **“Streets, Collector, Major and Minor”**: see **“Collector street (major and minor)”**
261. **“Street, Local”**: see **“Local street”**
262. **“Street, Public”**: see **“Public street”**
263. **“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.
264. **“Structure height”**: see **“Building height”**

265. **“Subdivider”**: see **“Developer”**
266. **“Subdivision”** means any land that meets the definition of subdivision in Utah Code § 10-9a-103.
267. **“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.
268. **“Swimming Pool, Community”** refers to a pool that is open to a limited public through membership, such as an HOA or club.
269. **“Swimming Pool, Private”** means a pool on an individual residential lot intended for primary use by the occupants of that lot.
270. **“Swimming Pool, Public”** refers to a pool that is open to the general public, with or without a fee.
271. **“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.
272. **“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.
273. **“Temporary Use”** means a use that is associated with a holiday or special event for a limited duration of time, including Outdoor Seasonal Sales.
274. **“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.
275. **“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.
276. **“Trail”** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.
277. **“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.

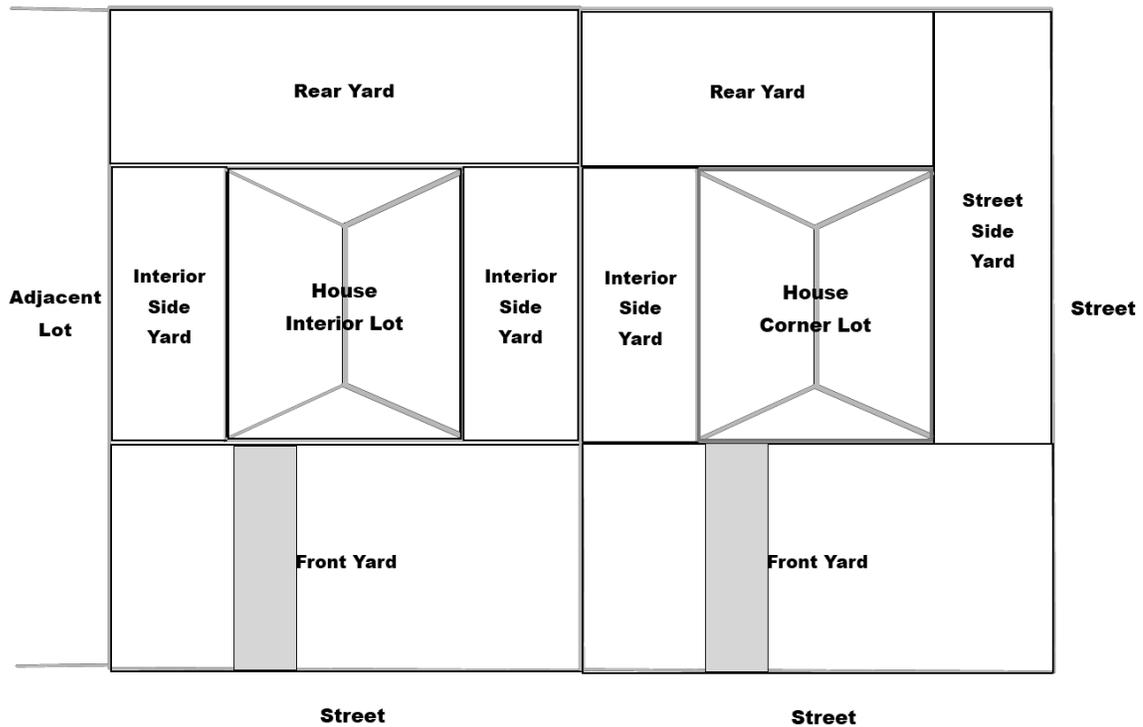
278. **“Urban Design Committee”** means a committee made up of architects, planners, builders, or other persons whose primary responsibilities are to:
- a. review architectural plans for commercial, industrial, and multi-family developments; and
  - b. make recommendations to the Planning Commission regarding architectural style, urban design, and exterior building materials for all types of developments.
279. **“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.
280. **“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.
281. **“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.
282. **“Water Utility Ordinance”** means the City of Saratoga Springs’ adopted water utility ordinance.
283. **“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.
284. **“Wireless telecommunication equipment”** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.
285. **“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.**
286. **“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.**

287. **“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.

288. **“Yard, side”**

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

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



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

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

**Chapter 19.04. Establishment of Land Use Zones and Official Map.**

**Sections:**

- 19.04.01. Purpose.**
- 19.04.02. Land Use Zones and Classification Established.**
- 19.04.03. Gradual Transition of Uses and Density.**
- 19.04.04. Application of Land Use Zone Regulations.**
- 19.04.05. Official Zoning Map.**
- 19.04.06. Land Use Zone Boundary Interpretation.**
- 19.04.07. Summary of Land Use Regulations.**
- 19.04.08. Agricultural (A).**
- 19.04.09. Residential Agricultural (RA-5).**
- 19.04.10. Rural Residential (RR).**
- 19.04.11. Low Density Residential (R-1)**
- 19.04.12. Low Density Residential (R-2).**
- 19.04.13. Low Density Residential (R-3).**
- 19.04.14. Low Density Residential (R-4).**
- 19.04.15. Low Density Residential (R-5).**
- 19.04.16. Medium Density Residential (R-6).**
- 19.04.17. Medium Density Residential (R-10).**
- 19.04.18. High Density Residential (R-14).**
- 19.04.19. High Density Residential (R-18).**
- 19.04.20. Neighborhood Commercial (NC).**
- 19.04.21. Mixed Use (MU).**
- 19.04.22. Regional Commercial (RC).**
- 19.04.23. Office Warehouse (OW).**
- 19.04.24. Industrial (I).**
- 19.04.25. Mixed Lakeshore (ML).**
- 19.04.26. Business Park (BP).**
- 19.04.27. Institutional/Civic (IC).**
- 19.04.28. Public School Bus Lot (PSBL).**

**19.04.01. Purpose.**

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

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

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

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

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*
<b>Minimum Lot Size:</b>												
Residential, per Residential Building	5 acres	5 acres	1 acre	1 acre	14,000 sq. ft. <sup>†</sup>	10000 sq. ft. <sup>†</sup>	9000 sq. ft. <sup>†</sup>	8000 sq. ft. <sup>†</sup>	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
<b>Minimum Setbacks (Primary Structure):</b>												
Front	50'	50'	35'	35'	25'	25'	25'	25'	25'	25'	25'	25'
Side	12'	12'	12'	12'	8'/20'	8'/20'	8'/16'	6'/12'	5'/10'	5'/10'	5'/10'	5'/10'
Rear	25'	25'	25'	25'	25'	25'	20'	20'	20'	20'	20'	20'
<b>Corner Lots:</b>												
Front	50'	50'	35'	35'	25'	25'	25'	25'	25'	20'	25'	20'
Side (corner side)	12'	12'	12'	12'	20'	20'	20'	20'	20'	15'	20'	15'
<b>Minimum Setbacks (accessory buildings requiring a building permit):</b> 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'
<b>Minimum Setbacks (accessory buildings not requiring a building permit):</b>												
	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
<b>Bulk: Width, Frontage, Height, Coverage, Dwelling Size, Open Space</b>												
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	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	40'	35'

Height												
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.*

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

*FF See applicable zone district for limitations.*

- 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 means 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 §§ 19.05.08)	P	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast	C	C	C	C	C	C	C	C				
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P				

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											
Kennel, Private	C	C	C									
Livestock Auction Yard	C	C										
Plant and Tree Nursery	P	C	C									
Preschool			C	C	C	C	C	C	C	C	C	C
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P
Public and private utility building or facility	C	C	C	C	C	C	C	C	C	C	C	C
Public Building or Facilities (City Owned)	C	C	C	C	C	C	C	C	C	C	C	C
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	C	C	C	C	C	C	C	C	C	C	C	C

with a Disability												
Riding Arena (Commercial)	C	C	C									
	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
Riding Arena (Private)	P	P	P									
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	C	C	C	C								
School, Public	C	C	C	C	C	C	C	C	C	C	C	C
Stables	P	P	C									
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P
	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.

- 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 means that the use is prohibited in that zone. Uses not listed are also prohibited.

**P= Permitted C= Conditional**

	NC	MU	RC*	OW	I	ML	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		
Automobile Repair, Major				C	C		C		
Automobile Repair, Minor			C**	C	C		P		
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Automobile Sales			C**		C		C		
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			C**	C	P				
Bakery, Commercial				C	C				
Bakery, Retail	P	P	P			P	C		
Bed and Breakfast		C				C			
Bookstore	P	P	P			P			
Building Material Sales (with outdoor storage)			C**	C	P		C		
Building Material Sales (without outdoor storage)			C	C	C		C		
Bus Lot									P
Car Wash (full service)			C				C <sup>A</sup>		
Car Wash (self service)			C**	C	C		€		
Child Care Center	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Churches	C	C				C		C	
Commercial & industrial laundries				C	P				
Commercial Recreation		C	C	C	C	P			
Commuter/Light Rail Station			P	P	P		C	C	
Contract construction services establishments				C	P				
<b>Contract Services Office</b>				P	P				
Convenience Store		C	P	C			C <sup>E</sup>		

Convenience Store/Fast Food Combination			C**				C <sup>E</sup>		
Copy Center	C	P	P	C			C <sup>A</sup>		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P						
Dwelling, Above commercial		P	C				P		
Dwelling, Multi-Family		P					P		
Dwelling, Single-Family		P					P		
Dwelling, Three-Family		P					P		
Dwelling, Two-Family		P					P		
Educational Center	C	C	C	C				P	
Electronic Media Rental & Sales		C	P						
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Electronic Sales & Repair		C	P						
Equipment Sales & Services			C		P		C <sup>A</sup>		
Financial Institution		P	P						
Fitness Center (5,000 sq. ft. or less)	P	P	P	P			P	C	
Fitness Center( 5,001 sq. ft. or larger)	C	C	C	C				P <sup>A</sup>	
Floral Sales	P	P	P				P		
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	C	C	C				C		
Grocery Store		C	P				P		
Hair Salon	P	P	P				P		
Hardware & Home Improvement Retail		C	P				P		
Home Occupations	See §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 <sup>A</sup>	
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	C		
Non-Depository Institutions			C						
Office, High Intensity				P	C		C		
Office, Medical and Health Care	C	C	P				P	P	
Office, Professional	C	P	P	P	C	P	P		
Pawn Shop				C	C				
Personal Service Establishment	C	C		C		C	C <sup>A</sup>		
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C				P	
Preschool	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Printing, lithography & publishing establishments				C	C		P		
Public & private utility building or facility			C	C	C	C		C	C
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	
Reception Centers	C	C	P			P	C		
Recreation Center			C		C	C			
Recreation Rentals			P			P			
Recreational Vehicle Sales			C**						
Recycling Facilities					C				
Research & Development			C	C	C		P	P	
Residential facilities for elderly persons		C				C			
Residential Facilities for Persons with a Disability		C				C			
Restaurant, Casual			P	C		C <sup>E</sup>	C <sup>E</sup>		
Restaurant, Deli	P	P	P			P	C		
Restaurant, Sit Down	P	P	P	P		P	P		
Retail Sales	P	P	P	P		P	C		
Retail, Big Box			C						
Retail, Specialty	P	P	P	P		P			

Retail, Tobacco Specialty Store				C	C				
School, Public									
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	ML	BP	IC	PSBL

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

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

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

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

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

**19.04.08. Agricultural (A).**

1. **Purpose and Intent.** The purpose of the Agricultural Land Use Zone is to allow for the continuation of agricultural practices and rural residential neighborhoods where farming is allowed together with the keeping of large animals. Residential densities in this zone shall not exceed 1 ERU per five acres.
2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Agricultural (A) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Agricultural (A) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is 5 acres. Schools or other nonresidential uses may require a minimum size greater than 5 acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
5. **Setbacks and Yard Requirements.**
  - a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
    - i. Front: 50 feet (for corner lots, this applies to both street frontages)
    - ii. Sides: 12 feet
    - iii. Rear: 25 feet
  - b. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. Sides: 25 feet
    - ii. Rear: 25 feet
    - iii. Front: same as principal structure
    - iv. Minimum separation between accessory buildings used for animals and dwellings: 60 feet.
  - 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%.

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

1. **Purpose and Intent.** The purpose of the Residential Agricultural (RA-5) Land Use Zone is to allow for the continuation of agricultural practices and the raising of livestock. It covers the portion of the City which historically has been irrigated and utilized for these purposes in Utah County along Lehi-Fairfield Road prior to annexation.
  - a. Although this zone has been established to protect agricultural rights and the raising of livestock, certain non-farm uses, as established herein, and residences on lots large enough to minimize conflict with surrounding properties are allowed in the zone.
  - b. Residential densities in this zone shall not exceed one ERU per five acres.
2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Residential Agricultural (RA-5) Land Use Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Residential Agricultural (RA-5) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is five acres. Schools or other nonresidential uses may require a minimum size greater than five acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
5. **Setbacks and Yard Requirements.**
  - a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
    - i. Front: fifty feet (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - b. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. Sides: twenty-five feet
    - ii. Rear: twenty-five feet
    - iii. Front: same as principal structure
    - iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
  - c. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
6. **Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least 250 feet of frontage along a public or private street.

**19.04.10. Rural Residential (RR).**

1. **Purpose and Intent.** The purpose of the Rural Residential Land Use Zone is to allow for the establishment of large lot residential developments that preserve natural view corridors, open spaces, environmentally-sensitive lands and that more fully preserves the rural character of Saratoga Springs. Residential densities in this zone shall not exceed one ERU per acre.
2. **Permitted Uses.** The identified in 19.04.07.2 as Permitted Uses in the Rural Residential (RR) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Rural Residential (RR) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is one acre, and may be greater for Conditional Uses. Conditional uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in this Title, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.
5. **Setbacks and Yard Requirements.**
  - a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
  - b. All buildings intended for occupancy or principal buildings in this zone are required to maintain a minimum distance from property lines as follows:
    - i. Front: thirty-five feet (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - c. All accessory buildings **requiring a building permit in** this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. Sides: twenty-five feet
    - ii. Rear: twenty-five feet
    - iii. Front: same as principal structure
      - i. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
  - c. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
6. **Minimum Lot Width.** Every lot in this zone shall be at least 100 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least seventy-five feet of frontage along a public or private street.

**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.

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

- 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 sides:** 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.

- 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.

- 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 street-side**: same as principal structure
- d. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
- e. There shall be a five-foot minimum separation between accessory buildings and dwellings in this zone.

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

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

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

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

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

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 sides:** five feet
    - ii. Rear: five feet
    - iii. Front: same as principal structure
    - iv. Corner **street-side:** same as principal structure
  - d. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
  - 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

- i. Front: twenty-five feet.
    - 1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
    - 2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be combined with a reduced setback for the front plane but in no case shall the front plane and porch combined be set back less than 15 feet.
  - ii. Sides:
    - 1. single family residences: 5/10 feet (minimum/combined)
    - 2. multi-family structures: ten feet
  - iii. Rear: twenty feet
  - b. Corner Lots:
    - i. There shall be a minimum setback on corner lots as follows:
      - 1. Front: twenty- feet
      - 2. Side abutting the street: fifteen feet
    - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.
  - c. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. **Interior sides**: five feet
    - ii. Rear: five feet
    - iii. Front: same as principal structure
    - iv. Corner **street-side**: same as principal structure
  - d. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
  - 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.

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.

- 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.

- 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.

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

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

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

**Chapter 19.06. Landscaping and Fencing.**

**Sections:**

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

**19.06.01. Purpose.**

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

**19.06.02. Required Landscaping Improvements.**

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

**19.06.03. General Provisions.**

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

#### **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 these requirements and may be verified at a later point by code enforcement. 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. planting schedule: 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.

#### **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.

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

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

- a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
  - b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
  - c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
  - d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
  - e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees and the use of secondary water where available.
  - f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
  - g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
  - h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4") in caliper, shall be identified on the landscape plan and preserved if possible. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
  - i. **Berming.** Berming is encouraged as a screen or buffer between opposing land uses.
  - j. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.
4. No trees shall be planted directly under or in close proximity to power lines, poles, or structures unless:
- a. the City Council gives its approval;
  - b. the power company or owner of the power line gives written consent; and
  - c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

#### **19.06.07. Amount of Required Landscaping.**

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

4. The City Council shall have authority to adjust these standards as circumstances dictate.

Required Landscaped Area <sup>1</sup>	Minimum Deciduous Trees <sup>3</sup>	Minimum Evergreen Trees <sup>3</sup>	Minimum Shrubs	Minimum Percentage of Required Turf	Percentage of Required Planting and Shrub Beds
< than 1,000	1	1	7	0 % <sup>2</sup>	Up to 100%
1,001 - 3,000	3	1	10	0 % <sup>2</sup>	Up to 100%
3,001 - 5,000	5	2	13	0 % <sup>2</sup>	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 3000 sq.ft.	5 + 1 per additional 3000 sq.ft.	25 + 1 per additional 3000 sq.ft.	25%	Not more than 75%

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

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

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

(Ord. 14-1)

### 19.06.08. Additional Landscaping Requirements.

1. All residential lots shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
  - a. receiving a Certificate of Occupancy; or
  - b. once ownership is established by the current owner.
2. Park strips.
  - a. Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project, and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, drought tolerant plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of the area shall contain plantings.
  - b. Weeds, dead vegetation, fruit trees including crabapples, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.
  - c. Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

### 3. Parking Lots.

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

#### 19.06.09. Screening and Fencing Requirements and Restrictions.

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

1. **Front yards: fences** exceeding three feet in height shall not be erected in any front yard space of any residential lot.
2. **Retaining walls: for** construction of all retaining walls, a building permit must be obtained. Where there is a difference in elevation on opposite sides of the fence, the height of the fence shall be measured from the highest elevation. Approval of fences over six feet in height will be determined on a case-by-case basis by the City Council for all new developments if fencing is proposed during the subdivision review process, or by the Planning Director for all developments that have received final approval; however, in no case will a fence be allowed to exceed eight feet in height. The following criteria shall be applied in making this determination:
  - a. compatibility with fences of surrounding uses;
  - b. quality of proposed materials;
  - c. aesthetics of proposed materials;
  - d. requirements of applicable development agreements;
  - e. intensity of existing surrounding uses; and
  - f. applicable conditions of approval.
3. **Prohibited styles: no** barbed wire, chain link, razor, or wire (agricultural, electric, chicken wire, mesh wire, hog fencing, etc.) fences shall be allowed. This does not apply to chain link or wire fences if the fence: (1) is not being used to delineate lot boundaries; and (2) is used for keeping of animals. This Section also does not apply in the A, RA-5, and RR zones.
4. **Parallel fencing:** installing additional fencing inside and parallel to existing fencing along open space or trails, where there is no dwelling or lot between the parallel fences, is not permitted.
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 fencing:** fencing shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties.
    - a. Where trail corridors immediately abut a ~~collector or arterial~~ non-arterial road, privacy fencing may be installed. Fencing along arterials shall be semi-private.
    - b. In an effort to promote safety for citizens using trail corridors that do not abut a road, and security for homeowners, fences along these trail corridors shall be semi-private.
    - 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.

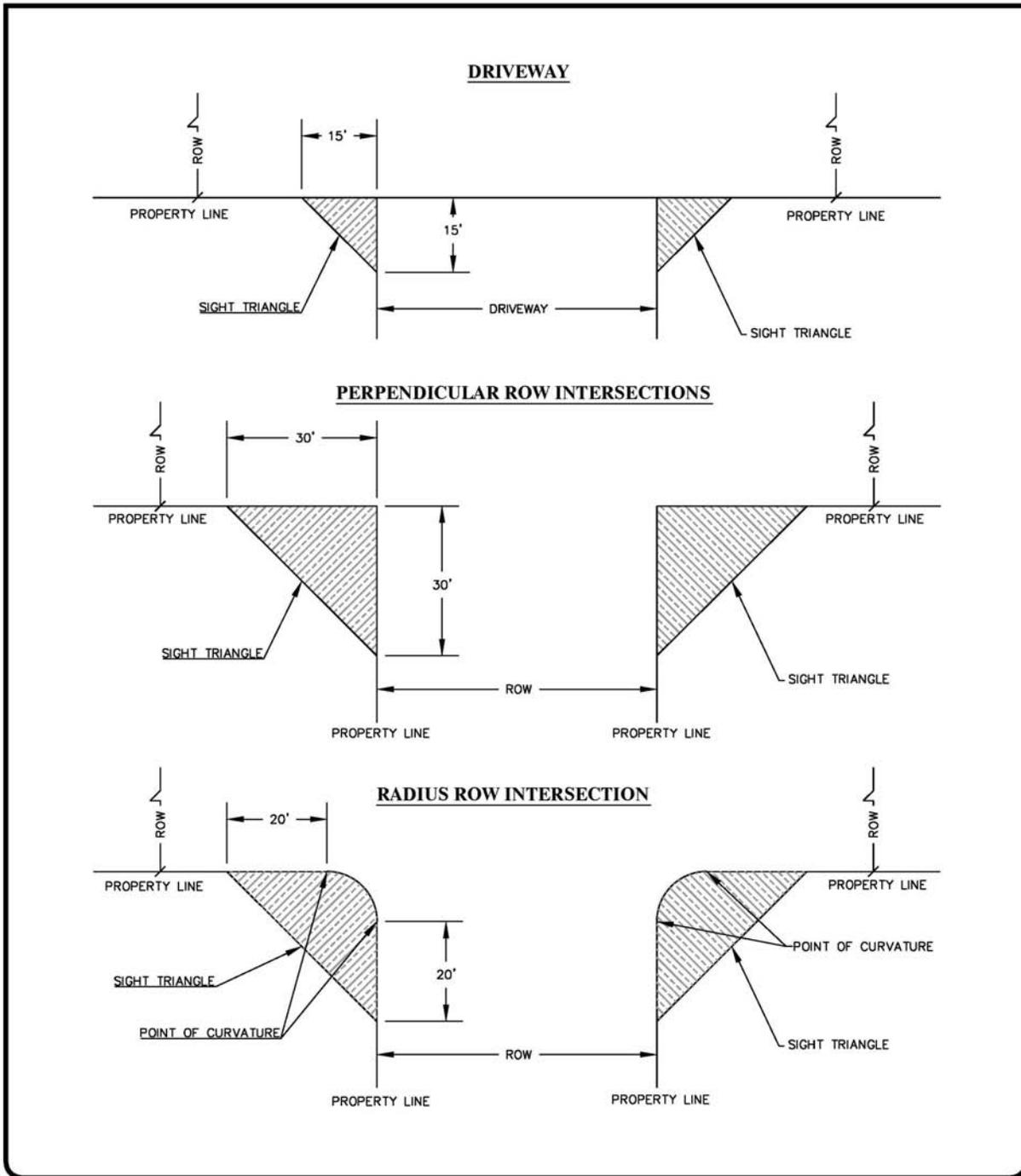
**19.06.10. Screening at Boundaries of Residential Zones.**

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.

**19.06.11. Clear Sight Triangle.**

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



**SIGHT TRIANGLE**

DATE: JULY 2014		REVISIONS	
DRAWING NAME:		REV	DATE
DRAWN BY: ETL		BY	COMMENTS
CHECKED:	APPROVED:		
<b>SARATOGA SPRINGS CITY</b>			
1307 N. COMMERCE DR. #200, SARATOGA SPRINGS, FL 32909 PHONE: 801-786-5793 FAX: 801-786-9794			



STANDARD DETAILS

SIGHT TRIANGLE

### 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 bermed strips of not less than ten feet placed between the sidewalk and the parking areas. Trees, both deciduous and evergreen, shall be placed in the strip with spacing of no less than thirty-foot intervals. The standards of section 19.06.06, Planting Standards and Design Requirements, shall apply for the minimum size of vegetation.
2. **Curbs.** All landscaped areas abutting any paved surface shall be curbed (not including a driveway for an individual dwelling). Boundary landscaping around the perimeter of the parking areas shall be separated by a concrete curb six inches higher than the parking surface.
3. **Clear Sight.** At intersections of streets, driveways, and sidewalks all landscaping shall be limited to a height of not more than three feet. The grade at such intersections shall not be bermed or raised for a distance of thirty feet at intersections and fifteen feet back from driveways to allow for sight distance as detailed in Chapter 19.06.11, Clear Sight Triangles.
4. **Components of Landscaped Areas.** All landscaped parking areas shall consist of trees, shrubs, and groundcover. Areas not occupied by structures, hard surfaces, vehicular driveways, or pedestrian walkways shall be landscaped and maintained. All landscaped areas shall have an irrigation system.
5. **Required Parking Islands.**
  - a. **Islands on Doubled Rows of Parking.** On doubled rows of parking stalls, there shall be one 36-foot by 9-foot landscaped island on each end of the parking rows, plus one 36-foot by 9-foot landscaped island to be placed at a minimum of every twenty parking stalls. Each island on doubled parking rows shall include a minimum of two trees per planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
  - b. **Islands on Single Rows of Parking.** On single rows of parking or where parking abuts a sidewalk, there shall be one 18-foot by 9-foot landscaped island a minimum of every ten stalls. Islands on a single parking row shall have a minimum of one tree planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
  - c. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site.
6. **Landscaped Boundary Strips.** All landscaped boundary strips shall be a minimum of eight feet in width. A landscaped screen, berm, or fence may be required by the City Council around the

**19.09.11. Required Minimum Parking.**

The table below indicates the minimum requirement for each use; unless otherwise identified, in no case may the minimums be exceeded by more than 25%.

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

## Chapter 19.11. Lighting

### Sections:

- 19.11.01. Purpose.
- 19.11.02. Applicability.
- 19.11.03. Definitions.
- 19.11.04. Temporary Lighting.
- 19.11.05. Lighting Standards and Design Requirements.
- 19.11.06. Lighting Plan.
- 19.11.07. Other Prohibited Lighting.
- 19.11.08. Maintenance of Nonconforming Lighting.

#### 19.11.01. Purpose.

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

#### 19.11.02. Applicability.

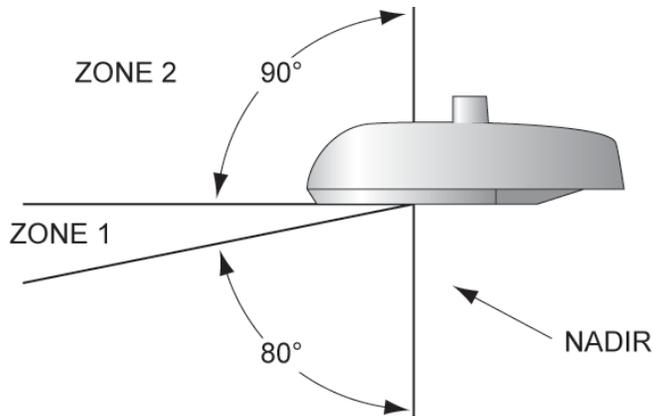
1. Conformance required: this section applies to all new development in the City unless otherwise exempted in this Title, expansions to previously existing development in the City, and uses proposed to operate during hours of darkness.
2. Exemptions: the following uses shall be exempt from the requirements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

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

### 19.11.03. Definitions.

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

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



**Exhibit 1**

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

19. **Outdoor Lighting** – Illumination of an outside area or object by any manmade device.
20. **Sport Lighting** – Lighting with the sole purpose of lighting a public sports field, court, or stadium during sporting events and training.
21. **Temporary Outdoor Lighting** – Lighting allowed as specified in an approved temporary permit pursuant to the requirements of this Chapter.
22. **Trespass Lighting** – Light emitted by a lighting fixture which is cast outside the boundaries of the property on which the lighting fixture is sited.
23. **Walkway Lighting** – Light which is intended to specifically illuminate a walkway or path, and does not include light that reaches a walkway from another source, such as a parking lot or street light.

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

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

1. The permit may allow temporary lighting for a period not to exceed ninety consecutive days, with at least ninety days passing before another temporary electrical permit may be issued for that same property.
2. The total period of all such permits issued for a single property may not exceed ninety days in any year.
3. The ability to acquire a temporary permit shall not in any way annul or eliminate any requirement to apply for and receive other permits or approvals which may be required by the City, or other applicable jurisdiction(s).
4. The request for temporary lighting must contain the following information in addition to information required to obtain a temporary electrical permit:
  - a. Proposed use, purpose and location of the outdoor light requested.
  - b. A written explanation of why compliance cannot be achieved.
  - c. Type of lamp(s) to be used, including manufacturer's part number and initial lumens.
  - d. Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in (ISO) foot-candle diagrams.
  - e. Starting and ending dates for temporary lighting use and identification of all prior temporary lighting permits requested or approved for the subject property
  - f. Contact information including name of applicant, affiliation (if applicable), address and telephone number.
  - g. Such other information the Planning Director may require.
5. ~~Notwithstanding the above provisions, no such temporary lighting permit shall be issued for lighting, which if installed, would be located within ½ (one-half) mile of the boundary of Camp~~

W.G. Williams.

6. 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.
7. All temporary lighting proposed under this Ordinance shall to the maximum extent practical, limit the scale of proposed temporary exemptions (lumens, trespass, hours, etc.). In taking action on any such application, the Planning Director or his/her agent may deny in whole or in part, specific proposed elements of the proposal, or impose conditions and/or modifications in order to mitigate, reduce or eliminate potential negative impacts on the public health, safety or general welfare.

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

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

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

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

a. All residential development:

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

b. Single Family:

- i. Homes located less than one half mile from Camp Williams are exempt from the general design standards except that all lighting shall be full cutoff and shall not exceed 90 watts.
- ii. Homes located more than one half mile from Camp Williams, are exempt from the design standards except that all lighting shall be full cutoff.

**3. Nonresidential Lighting:**

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

- ii. Business open for 24 hours must turn off 50% of their outdoor and parking lot lighting by 11:00pm and must keep them off until one half hour before sunrise, however, those lighting fixtures turned off may be set to function utilizing a motion detector system.

#### **4. Outdoor Sign Lighting**

- a. All illuminated signs located within one-half (1/2) mile of Camp W.G. Williams shall be positioned in such a manner and contain shielding devices as to significantly reduce spillover light affecting the military installation and operations. In no instance shall signs within 1/2 mile be positioned facing parallel to the adjacent boundaries of Camp W.G. Williams.
- b. On-premise signs may remain illuminated during regular business hours, but may not be illuminated later than one-half (½) hour after the business is no longer open to the public, nor prior to the daily opening of the business to the public.
- c. External illumination for wall signs shall be positioned in a downward direction directly onto the sign in such a manner that light does not project past the sign surface being illuminated.
- d. Monument signs may have upward illumination provided the light source is not visible, and the fixtures shall be installed and aimed in such a manner that light is not projects past the sign surface being illuminated, into the windows of neighboring residences, onto adjacent uses, onto public roadways, or skyward.
- e. Internally illuminated signs shall be designed so that the light source is not visible.
- f. All digital signs shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices, such as louvers, to minimize light escaping above the horizontal plane.
- g. Nothing in this section shall be interpreted to authorize signs in areas of the City prohibiting signs.

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

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

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

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

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

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

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

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

1. Plans indicating the location and types of illuminating devices on the premises.
2. Descriptions of the illuminating devices, fixtures, lamp supports, and other devices. This description may include, but is not limited to, manufacturers' specifications, drawings, and sections.
3. Photometric sheet showing measurement of light intensity across the site and onto adjacent property in terms of candela, lumens, and foot-candles.
4. Plans providing information required in the Technical Standards and Specifications Manual.

#### **19.11.07. Other Prohibited Lighting**

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

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

#### **19.11.08. Maintenance of Nonconforming Lighting**

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

## Chapter 19.12. Subdivisions.

### Sections:

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

### 19.12.01. Purpose.

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

### 19.12.02. General.

1. **Sales of portions of subdivision parcels.** No person shall sell, deed, or exchange, or offer to sell, deed, or exchange, any parcel of land that is a part of a subdivision or of a larger tract of land, or record in the office of the County Recorder any subdivision plat, unless the subdivision has been approved by the City according to the provisions of the City Code. **Parcels created without such approval by the City shall be considered part of an illegal subdivision and not eligible for further subdivision, 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 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.

- i. No sewer, storm drain, culinary water, or irrigation water main shall be installed or maintained within a residential lot; all such utilities must be placed in an easement within protected open space or within rights-of-way. When placed outside rights-of-way they shall be located a minimum of 10' from any lot line and paved access roads shall be provided to all manholes or other access points required for maintenance.

(Ord. 14-4)

### 19.12.03. Subdivision Process and Approval Procedure.

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

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

- a. 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. ~~Written agreement to pay the cost of materials and postage to mail notices to all property owners as required in this Title, upon receipt of City invoice.~~
- i. Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.
- j. ALTA survey including deeds, easements, trees, utilities, structures, and other existing features and conditions.
- k. 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.
- l. 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.

- m. 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.
- n. 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.
- o. 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.
- p. File of all plans, documents, and reports in pdf format.
- q. A copy of the Utah County plat map showing ownership and parcel numbers.
- r. A document from UDOT Region 3 stating that UDOT has granted approval for all proposed accesses onto any State road.
- s. Geolocated KMZ file including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.

**3. Final Plat** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.

- a. 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 recommending City Council action.
  - iii. If the Planning Director recommends that a proposed Final Plat be approved, the City staff shall place it on the agenda of the next available meeting where the

application may be properly considered. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.

- iv. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

- a. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:
  - a. Application form, applicant certification, and paid application fee.
  - b. Signed easements and agreements with adjacent property owners for necessary off-site facilities.
  - c. Signed and recorded articles of incorporation bylaws, and conditions, covenants, and restrictions of the Home Owners Association, if any.
  - d. Certificate of Existence and Certificate of Good Standing from the State of Utah for the Home Owners Association, if any.
  - e. Final Hydraulic and Hydrologic storm drainage report and calculations
  - f. **Final Traffic report.** Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
    - v. an analysis of the average daily trips generated by the proposed project;
    - vi. an analysis of the distribution of trips on City street systems;
    - vii. a description of the type of traffic generated; and
    - viii. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
  - g. **Data table** including:
    - 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.

- 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. Subtotal area in square feet and acres;
  - 2. number of lots or dwelling units;
  - 3. open space area and percentage;
  - 4. utility phasing plan;
  - 5. number of parking spaces;
  - 6. recreational facilities to be provided;
  - 7. 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** including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
- p. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
- q. **Mylar Final Plat:** After receiving Final Plat approval from the City council and in a form approved by the City, a 24" x 36" copy of the final plat shall be provided to the City on reproducible Mylar for recording with Utah County. Mylar plat shall be presented with all utility and owner signatures and appropriate notarizations.

(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.

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

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

- a. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots that would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, sanitary sewer problems, driveway grades, or other physical constraints and considerations.
- b. All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.
- c. Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria:

- i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots;
  - ii. For subdivisions with 50 or less lots: no more than 7.5% of the total lots are allowed to be flag lots; and
  - iii. For subdivision with more than 50 lots: no more than 5% of the total lots are allowed to be flag lots.
- d. Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way. In no case may land dedicated for public roads and rights-of-way be included in the area calculation of any lots.
- e. Side property lines shall be at approximately right angles to the street line or radial to the street line.
- f. Corner lots for residential use shall be platted ten percent larger than interior lots in order to facilitate conformance with the required street setback for both streets.
- g. No lot shall be created that is divided by a municipal or county boundary line. Each property boundary line shall be made a lot line.
- h. Remnants of property shall not be left in the subdivision that do not conform to lot requirements or are not required or suitable for common open space, private utilities, public purposes, or other purpose approved by the City Council.
- i. Double access lots are not permitted with the exception of corner lots.
- j. Driveways for residential lots or parcels shall not be allowed to have access on major arterials such as Redwood Road, Crossroads Boulevard, Pioneer Crossing, and Pony Express. Exceptions may be made for large lots (at least 1 acre in size) or for lots where the home is set back over 150 feet from the arterial roadway. Approval by UDOT may be required.
- k. All subdivisions along arterial roadways shall conform to the City's requirements and adopted street cross-section including pedestrian walkways, park strips, landscaping, and fencing.

3. **Timing of Installation; Phasing.** The City permits developers to separate approved preliminary plats into phases for review, approval, and recording subject to the following conditions:
- a. Bonding for each phase is required and shall include (in addition to the requirements of 19.12.05):
    - i. improvements required for that phase;
    - ii. major off-site improvements needed for the completion of the entire approved preliminary plat; and
    - iii. subdivision-wide improvements of major importance such as neighborhood parks, trails, open space, or other neighborhood amenities that will otherwise be installed for the entire project as set forth in the development agreement, subdivision approvals, construction drawings, and approved plans.
  - b. Each phase shall have at least two contiguous and paved accesses to ensure adequate circulation and access for the duration of the construction of one or more phases.
  - 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 each 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. 14-11, 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. **Planning Commission.** The Planning Commission shall conduct a public hearing and review the proposed Final Plat to determine whether it is in compliance with the City Code.
- a. If the proposed plat complies, the Planning Commission shall approve the plat and authorize the Mayor to sign the plat.
  - b. If the proposed plat fails to comply, the Planning Commission shall deny the plat, or may continue the decision with direction to the City staff to return it to the developer along with a written list of deficiencies that must be corrected before the Planning Commission will authorize the Mayor to sign it.
  - c. The Planning Commission is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.

5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:
  - a. application form completed and application fee paid;
  - b. updated Preliminary Title Report;
    - i. The Title Report must also demonstrate that the proposed minor subdivision has not been involved in any prior minor subdivision;
  - c. Minor Subdivision Plats shall conform to all of the requirements for Final Subdivision Plats layouts as provided in section 19.12.03

(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 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.

**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 does not affect the location or boundary of a public road or the boundary of the plat, and seeks to:
  - a. join two or more of the petitioning fee owner's lots; or
  - b. adjust internal lot lines between two or more of the petitioning fee owner's lots; or
  - c. vacate or alter private streets, rights-of-way, easements, or alleys, or
  - d. adjust internal lot restrictions subject to the standards of this Title and applicable conditions of approval for the original plat.
3. **Standards.** Plat amendments may be approved if:
  - e. no new dwelling lot or dwelling results from the plat amendment; and
  - f. the number of lots or parcels does not increase; and
  - g. the amendment does not result in remnant land that did not previously exist; and
  - h. the amendment does not violate conditions of approval for the original plat; and
  - i. the amendment does not result in a violation of applicable zoning requirements; and
  - j. if all requirements of Utah Code Chapter 10-9a are met.
4. **Application.** The owners of affected lots shall file an application on an approved City form and include the following items:
  - a. Application form, applicant certification, and paid application fee.
  - b. 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 in pdf format.
- f. Geolocated KML file including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.

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

6. **Land Use Authority.**

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

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

- k. For plat amendments where the Planning Director is the Land Use Authority, if the Planning Director determines that documents are complete the Planning Director shall take action on the application.
  - i. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and
  - ii. the Planning Director shall approve, approve with conditions, or deny the amendment.
- l. For plat amendments where the Planning Commission or the City Council is the Land Use Authority, if the Planning Director determines that documents are complete, the Planning Director shall schedule the plat amendment for the next available meeting.

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

- a. For amendments where the Planning Commission is the Land Use Authority:
  - i. the Planning Commission shall determine whether the amended plat complies with the requirements of this section, this Title, and Chapter 10-9a of the Utah Code;
  - ii. the Planning Commission may approve, approve with conditions, or deny the amendment; and
  - iii. if the Planning Commission approves an amended plat, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.

b. **Public Hearing.**

- i. A public hearing shall not be held all the property owners in the plat sign the amendment.
- ii. Notice. Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4. The applicant shall pay the cost to post and provide notice to all property owners within 300 feet of the application, prior to final approval.

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

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

1. **Vacating Public Streets, Rights-of-Way, Easements, or Alleys.** The City Council shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.
2. **Altering Public Streets, Rights-of-Way, Easements, or Alleys.** This Subsection shall only apply if a subdivision plat is not being amended and no portion of a public street, right-of-way, easement, or alley is being vacated. Amending street or road names are not considered an alteration.
  - c. **City Council Review and Determination.** The City Council is hereby designated as the land use authority to consider the alteration of any portion of a public street, right-of-way, easement, or alley. The City Council may, with or without a petition or request, alter any public street, right-of-way, easement, or alley whether within a subdivision or not, following the procedures set forth below:
    - i. the City Council shall hold a public hearing after providing notice as set forth hereafter;
    - ii. the City Council shall determine whether good cause exists for the alteration;
    - iii. the City Council may approve, approve with conditions, or deny the alteration; and
    - iv. if the City Council alters any portion of a public street, right-of-way, easement, or alley, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.
  - d. **Notice.** Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4.

## Chapter 19.13. Development Review Processes.

### Sections:

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

### 19.13.01. Purpose.

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

### 19.13.02. General Considerations.

1. **Land Use Element of the General Plan.** The City's adopted Land Use Element of the General Plan shall guide the use and future development of all land within the corporate boundaries of the City.
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.

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

1. Applications for permits and other procedures (appeals, Site Plans, subdivisions, variances, Master Development Plans, plat amendments, etc.) established by this ordinance shall be filed on the forms provided by the City.
  - a. Applications shall be accompanied by a Master Development Plan when required, Concept Plan, Preliminary Plat for proposed subdivisions, Site Plan for commercial or multi-family subdivisions, Condominium Plat for proposed condominiums, Final Plat, and any other applications, maps, plans, drawings, tabulations, calculations, and text needed to demonstrate compliance with the City Code and as described in this Chapter.
  - 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 for each type of permit and other procedures established by this ordinance shall be set by resolution of the City Council. Payment of application fees shall always precede review of the application.
3. The filing of an application constitutes permission for the Mayor, City Council, City Manager, Planning Commission, Hearing Examiner, or City employees to inspect the proposed development site during their consideration of the application. The City may delay consideration of any application when inclement weather or snowpack prevents a useful site inspection.

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

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

Process and Land Use Authority →	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Approval
Development Type ↓					
Preliminary Plat		X	X		X
Condominium and Final Plat					X
Minor Subdivision		X		X	
Lot Line Adjustment	X				
Plat Amendment**	X				
Planned Unit Development		X	X		X
Site Plan		X	X		X
Site Plan Amendment - Minor		X		X	
Site Plan Amendment - Major		X	X		X
Conditional Use – New Construction		X	X		X
Conditional Use – Existing Building or Site**	X				
Temporary Use	X				
Home Occupation*	X				
Change of Use Permit**	X				
Development Agreement (DA)					X
Master Development Agreement (MDA)		X	X		X
DA or MDA Amendment – Minor	X				
DA or MDA Amendment – Major					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 300 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 conceptual 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.

**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 and an informal review of the plan by the Planning Commission and City Council.
3. The developer shall receive comments from the Development Review Committee, Planning Commission, and City Council to guide the developer in the preparation of subsequent applications.
  - a. The Development Review Committee, Planning Commission, and City Council shall not take any action on the Concept Plan review.
  - b. The Development Review Committee, Planning Commission, and City Council comments shall not be binding, but shall only be used for information in the preparation of the development permit application.
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 for a Concept Plan review:
  - 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. Parcel number and ownerships within and adjacent to project.
    - v. Road centerline data including bearing, distance, and curve radius.
    - vi. Configuration of proposed lots with minimum and average lot sizes.
    - vii. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use including acreages, locations, and percentages of each and conceptual plan of proposed recreational amenities.
    - viii. Those portions of property that qualify as sensitive lands per Section 19.02.02., including acreages, locations, types, and percentages of total project area and of open space.
    - ix. Total acreage of the entire tract proposed for subdivision.
    - x. General topography shown with 1' or 2' contours and slope arrows with labels.
    - xi. North arrow, scale, and date of drawing.
    - xii. Property boundary with dimensions.
    - xiii. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage and amount of open space or landscaping, and net density of dwellings by acre.
    - xiv. Existing conditions and features within and adjacent to the project area including roads, structures, drainages, wells, septic systems, buildings, and utilities.
    - xv. Conceptual utility schematic with existing and proposed utility alignments and sizes sufficient to show how property will be served including drainage, sewer, culinary and secondary water connections and any other existing or proposed utilities needed to service the proposed development or that will need to be removed or relocated as part of the project.
  - 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.

#### **19.13.06. Urban Design Committee Participation.**

1. The City has established an Urban Design Committee that may consist of persons appointed by the City Council at its discretion including one professional Architect, one professional builder, at least two City residents, one member of the Planning Commission, one City Council Member, one developer, and City staff members as assigned.
2. The Urban Design Committee is required to review architectural plans and design standards for any new construction within the City of Saratoga Springs except for Single-Family Dwellings. The Committee shall make specific recommendations to the Planning Director, Planning Commission, and City Council regarding Architectural plans and design standards.
3. The Urban Design Committee shall propose detailed Architectural design standards and guidelines that developers and applicants shall comply with. These may be adopted by the City Council through resolution or ordinance and are available for reference through the Planning Department.
4. No final subdivision plats, final Site Plans, commercial Site Plans, or other Conditional Uses that will result in the new construction of commercial, multifamily, attached housing, two-family structures, and three-family structures shall be approved by the City Council until a recommendation is received from the Committee.
5. The Urban Design Committee is a recommending body only and shall not make final decisions.

#### **19.13.07. Change of Use Permit**

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

If the new use is of a different type and has a higher parking requirement, the new parking requirements shall be met.

c. Increased parking requirements or external changes to the site or structure for the new use shall require a site plan amendment.

d.

4. The Planning Director shall follow the process outlined in 19.13 for decisions of the Planning Director.

#### 19.13.08. 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.

#### 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:

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 a 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.

#### **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;

- 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 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.

The City may enter into performance-based reimbursement arrangements, shared funding mechanisms, or other methods if and when the City's long-term capital facility needs are served by such methods in accordance with the requirements of Section 19.13.07.

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

- a. Minor amendment: a minor amendment is an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning Director.
- b. Major amendment: a major amendment is an amendment that alters the density, intensity of use, amount of open space or unit type, and shall be approved by the City Council.

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

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

of open space shall be presented for approval in connection with preliminary and final plat approval. During that review, the Planning Commission will make a recommendation to the City Council on the implementation of the Payment in Lieu of Open Space program.

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

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

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

- iii. Before any subdivision plats are recorded, the developer shall pay to the City (a) the land value, (b) estimated cost of the open space improvements based upon an average per-square-foot cost of the improvements for the 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.

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

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

#### **19.14.04. Urban Design Committee Requirements.**

1. **Process.** Urban Design Committee review shall be done prior to the first Planning Commission or City Council meeting, whichever comes first.
2. **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 Urban Design Committee shall ensure that all buildings are finished with high quality materials that conform to the City’s design standards and an overall master design theme or plan. Building elevations shall be submitted that indicate all colors, styles, materials, and other proposed building treatments.
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.

**19.14.05. Special Provisions.**

- 1. **Uses Within Buildings.** All uses established in any commercial, office warehouse, business park, or industrial zone shall be conducted entirely within a fully enclosed approved building except those uses deemed by the City Council to be customarily and appropriately conducted in the open.
  - a. Uses which may qualify for this exception include vegetation nurseries, home improvement centers with lumber, vegetation nurseries, outdoor cafes, and auto dealerships.
  - b. Approved temporary uses, such as Christmas tree lots, shall be exempt from this requirement.
- 2. **Nuisances.** All commercial uses shall be free from objectionable odors, noises, hazards, or other nuisances.
- 3. **Residential Conversions.** No existing residential dwelling or residential lot in any commercial or residential zone may be used or converted into a commercial use unless all of the standards set forth herein are met, including parking regulations, setbacks, landscaping, and architectural design.

**19.14.06. Application.**

- 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 copies of 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 full-size 24" x 36" copies and 11 x 17 inch reductions as required on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Final Construction Drawings for 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. screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements;
  - vi. location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures;
  - vii. location, type, and size of all business and on-site circulation signage;
  - viii. tabulation of square footage devoted to various land uses, ground coverage by structures, and other impervious surfaces;
  - ix. type of construction of all structures, presence or absence of fire sprinkling, and location of existing and proposed fire hydrants;
- h. Final Hydraulic and Hydrologic storm drainage report** and calculations
- i. Final Traffic report.** Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
- i. an analysis of the average daily trips generated by the proposed project;
  - ii. an analysis of the distribution of trips on City street systems;
  - iii. a description of the type of traffic generated; and
  - iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
- j. Data table** including
- i. total project area
  - ii. total number of lots, dwellings, and buildings
  - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor
  - iv. number of proposed garage parking spaces
  - v. number of proposed surface parking spaces
  - vi. percentage of buildable land
  - vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area
  - viii. area and percentage of open space or landscaping
  - ix. area to be dedicated as right-of-way (public and private)
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
  - xi. number of off-street parking spaces (e.g., number of proposed garage parking spaces, number of proposed surface parking spaces, etc.)
- 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.

**7. 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 Commission.
  - ii. Major amendment: an amendment that alters the density, intensity of use, amount of open space or unit type, shall follow the same process as a new site plan.

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

- c. The Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.
4. **Granting of a Permit.** In considering an application for a Conditional Use permit, the **Land Use Authority** may deny a permit or may grant a permit subject to the requirements of this Chapter. The granting of a Conditional Use permit shall not exempt the applicant from other relevant provisions of this Chapter, other ordinances, regulations, or standards of the City, or the Utah Code.
5. **Fee.** The application for any Conditional Use permit shall be accompanied by a fee set by resolution of the City Council, and applicants shall pay the cost to post and mail public hearing notices.

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

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

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

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

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

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

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

1. The siting of the structure or use, and in particular:
  - a. the adequacy of the site to accommodate the proposed use or building and all related activities;
  - b. the location and possible screening of all outdoor activities;
  - c. the relation of the proposed building or use to any adjoining building with particular attention to protection of views, light, air, and peace and quiet;
  - d. the location and character of any display of goods and services; and
  - e. the size, nature, and lighting of any signs.
2. 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.

#### **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.
  - k. In the Regional Commercial (RC) Land Use Zone, these land uses will not be allowed within the Gateway Area.
2. **Temporary Subdivision Sales Offices.** One temporary sales office may be granted as a conditional use so long as it is listed as a conditional use in the use regulations of this Title, located in a subdivision of not less than five acres, located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines, and issued a subdivision sales office permit.
- a. A permit for a subdivision sales office may be issued by the Planning Commission at any time after recording of the subdivision; however, the applicant may proceed with the conditional use approval process simultaneously with the subdivision approval process.
  - b. The permit shall become void one year following the date on which the permit was issued. The temporary office shall then be removed unless thirty days prior to the expiration of the one year period, a request for an extension of time is made and granted by the Planning Commission. In no case will more than one extension be granted, and such extension may not be more than one year.
3. **Non-residential Group Day Care and Preschool Center Special Conditions.** Development or operation of a group day care or preschool center must be approved in advance by the **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.

- 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.

~~**7. Public & Private Utility Building or Facility.** 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. Where above ground structures will be located within or adjacent to a residential development, the site shall be fully screened with a minimum six-foot tall solid wall or fence set back a minimum of five feet from the side and rear property lines, and meeting the front setback requirement for the zone.~~
- ~~b. Landscaping shall be placed along the exterior of the site at the foot of any required wall; the interior of the site within required solid walls shall be exempt from landscaping requirements.~~
- ~~c. All site lighting shall be downward directed and fully shielded.~~

#### **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.

**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.

**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.

**Title 19. LAND DEVELOPMENT CODE.**

**Chapters:**

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

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

**19.01.18. Public Hearings.**

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

**19.01.19. Planning Commission Recommendation.**

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

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

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

**Chapter 19.02. Definitions**

**Sections:**

**19.01.01. Interpretation**

**19.02.02. Definitions**

**19.02.01. Interpretation.**

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

**19.02.02. Definitions.**

As used in this Title:

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

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

27. **“Bond”**:

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

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

29. **“Buildable”**:

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

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

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

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

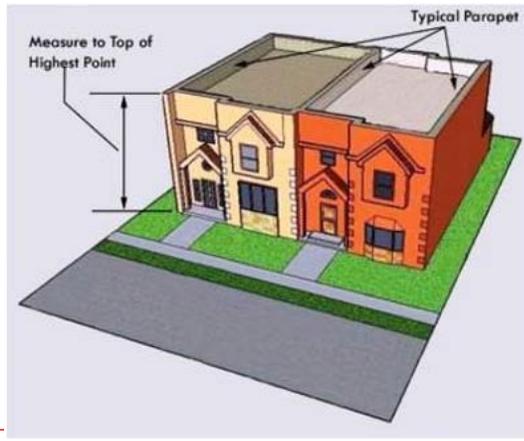
~~32.~~

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

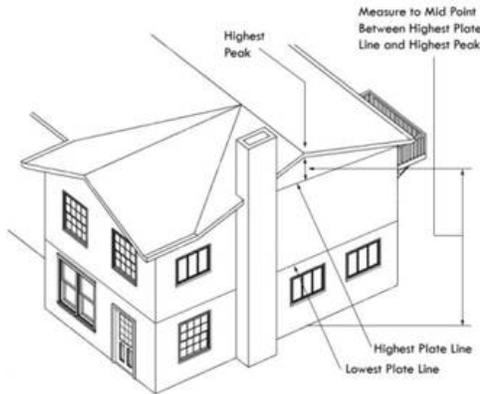
~~34.~~ **“Building height” or “Structure height” means:**

~~a.~~ **the vertical distance from the average finished grade surface of every point along at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to**

~~b.~~ **33. the mean height level between eaves and ridge for gable, hip, or gambrel roofs, directly above the point of measurement. See the following drawings:**



e.



*Flat or Mansard, to highest point*

*Hip, Gambrel, Gable*



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

34.

36:35. **“Building lot”**:

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

37:36. **“Building, main”**: see **“Main building”**

~~38.~~37. **“Building material sales (with outdoor storage)”**:

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

~~39.~~38. **“Building material sales (without outdoor storage)”** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are sold.

~~40.~~39. **“Building Official”** or **“City Building Official”** means the City of Saratoga Springs Building Official.

~~41.~~40. **“Building, public”**:

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

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

~~42.~~41. **“Bus Lot”** means any lot or land area used for the storage or layover of passenger buses or motor coaches.

~~43.~~42. **“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.~~43. **“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.~~44. **“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”**

45.

- 59.58. **“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.

59. **“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.

60. **“Convenience Store”** means a building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.
61. **“Convenience Store/Fast Food Combination”** means a building that houses a Convenience Store and either a Fast Food (Restaurant, Casual) establishment or a Restaurant, Sit-Down.
62. **“Copy Center”** means a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.
63. **“Corner lot”** means a building lot situated within a corner created by the intersecting lines of a street or streets.
64. **“Crematory/Embalming Facility”** means a building used for the cremation and/or embalming of deceased persons but not including facilities for burial, internment, body viewing, or funeral services.
65. **“Dairy”**:
- a. means a farming operation for the production of milk in commercial quantities and which is required to be regularly inspected by the State Department of Agriculture or its cooperating agencies; and
  - b. includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.
66. **“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.

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

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

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

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

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

71. **“Development Review Committee” (“DRC”)** means an informal committee or group of City staff or City consultants whose responsibility is to review all development requests, process all development applications, and make recommendations with respect to development applications to the Planning Commission, City Council, applicants, and Mayor. The DRC’s membership includes the City Manager, City Engineer, Planning Department, Public Works Director, City Fire Chief, City Building Official, City Attorney, and any other person or agent that the City Manager deems appropriate to function as a member of the Committee.

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

73. **“Double frontageAccess”**:

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

74. **“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.

75. **“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.

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

- vi. peacock; and
- vii. other animals of similar size
- c. Small Farm Animals: Small farm animals include the following:
  - i. chicken;
  - ii. rabbit;
  - iii. ducks;
  - iv. pheasants; and
  - v. other animals of similar size (excluding mink)

~~93-95.~~ **“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.

~~96.~~ **“FEMA”** is an acronym for the Federal Emergency Management Agency.

~~97.~~ **“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.

~~94.~~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.

~~95-98.~~ **“Festival (including Bazaars or Fairs)”** means a not for profit activity or event that may only include shows, games, non-mechanical rides, concessions, or any combination thereof.

~~96-99.~~ **“Fee schedule”** means the list or appendix of fees, also known as the Consolidated Fee Schedule for the City of Saratoga Springs, adopted periodically by the governing body which sets forth various fees charged by the City.

~~97-100.~~ **“Final plat”** means a map of a subdivision which is prepared for final approval and recordation, which has been accurately surveyed so that streets, alleys, blocks, lots, and other divisions thereof can be identified and meeting any other requirements of this Ordinance or State or County Statutes.

~~98-101.~~ **“Financial institution”:**

- a. means an establishment whose principal purpose is the handling of monetary affairs for members, clients, or the public at large;
- b. includes banks, credit unions, savings and loans, mortgage offices, investment companies, trust companies, and similar entities; and
- c. does not include Non-Depository Institutions.

~~99.~~ **“Finished surface grade”:**

~~a.~~ **“Finished surface grade” means:**

- ~~i.~~ the average level of the finished surface of the ground adjacent to the front setback line of a building or structure; or
- ~~ii.~~ on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building.

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

~~100.~~ **103.** **“Fire code”** means the International Fire Code adopted by the City by ordinance and codified in Title 18.

~~101.~~ **104.** **“Fitness Center”** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

~~102.~~ **105.** **“Flag lot”** means an L-shaped lot comprised of a staff portion contiguous with the flag portion thereof, the minimum width of the staff being thirty feet and the maximum length determined by the City of Saratoga Springs.

~~103.~~ **106.** **“Flood plain”** means a land area subject to being inundated by water from any source and is generally defined as a “zone A” (100 year flood area) area as defined in FEMA’s Flood Insurance Rate Maps of the City of Saratoga Springs.

~~104.~~ **107.** **“Floor area”** means the sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

~~105.~~ **108.** **“Floral Sales”** means a retail business whose principal activity is the selling of plants and flowers which are not grown on the site and where business is conducted within an enclosed building.

~~106.~~ **109.** **“Front yard”:** see **“Yard, front”**

~~107.~~ **110.** **“Frontage”** means the distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access.

- a. State or federal highways, to which no access is allowed, shall not be considered as frontage.
- b. For purposes of this Title neither temporary turn-arounds nor dead ends of roadways shall be used as frontage.
- c. On cul-de-sacs, frontage may be measured at the front building setback lines.

~~108.~~ **111.** **“Fueling Station”** means that portion of the property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

~~109.~~ **112.** **“Fueling Station, Cardlock Facility”** means an automated vehicle fuel sales facility without an attendant.

~~110.~~ **113.** **“Funeral Home”:**

~~113.~~116. **“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.

~~114.~~117. **“Grading permit, major”** means a permit issued by the City to remove or excavate large portions of a parcel or parcels in preparation for development activity or construction of infrastructure or buildings (see [Chapter 18](#) and [Sections 19.10](#) and [19.13](#) of this Title).

~~115.~~118. **“Grocery store”** means a store:

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

~~116.~~119. **“Hair Salon”** means a retail business:

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

~~117.~~120. **“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.

121. **“Height”** see [“Building Height”](#)

~~118.~~122. **“Home occupation”** means a nonresidential activity, conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes (see [Section 19.08](#)).

~~119.~~123. **“Hospital”** means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians and/or properly licensed practitioners.

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

~~120.~~124. **“Hotel”** means a building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both.

~~121.~~125. **“Ice cream parlor”** means an establishment whose primary business is the sale of ice cream and other types of food or beverages for customer consumption that are not considered a complete meal, such as candy, soda, or coffee.

~~122.~~126. **“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.

127. **“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.

~~123.~~128. **“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.

~~124.~~129. **“Interior lot”** means any building lot other than a corner lot.

~~125.~~130. **“Kennel”** means a lot or premises on which four or more dogs, five or more cats, or any combination of five or more cats and dogs, at least four months old, are kept.

~~126.~~131. **“Kennel, breeding”** means a kennel lawfully located on a premises one acre or more in size zoned for such use and where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

~~127.~~132. **“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.

~~128.~~133. **“Kennel, private”** means the keeping, breeding, raising, showing, or training of four or more dogs over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

~~129.~~134. **“Landscaping”** means the installation of any combination of the following items to produce an aesthetic effect or to enhance and preserve natural features of the site:

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

a.

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

b.—

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

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

~~130.~~135. **“Land Use Authority”** means the person, board, entity, commission, agency, or other body designated herein as the final approving authority of a land use application. The land use authority, depending on the chapter or section of this title, may include the City Council, Planning Commission, planning staff, City Manager, City employee, or City body.

~~131.~~136. **“Land Use Element of the General Plan”** means the comprehensive, long range strategic plan for the future of the City and includes elements such as future land uses, transportation, housing, storm drainage, culinary water, secondary water, economic development, capital facilities plan, and intergovernmental coordination, adopted as the Land Use Element of the General Plan by the City Council.

~~132.~~137. **“Land use ordinance”** means all regulations adopted by the City of Saratoga Springs relating to the development and use of real property within the City.

~~133.~~138. **“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.

~~134.~~139. **“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.

~~135.~~140. **“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.

~~136.~~141. **“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.

~~137.~~142. **“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.

~~138.~~143. **“Local street”** means a street which provides for direct access to abutting land and for local traffic movement.

~~139.~~144. **“Lot, Building”**: see **“Building Lot”**

~~140.~~145. **“Lot, Corner”**: see **“Corner lot”**

~~236-241.~~ **“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.

~~237-242.~~ **“Road, private”**: See **“Private Road.”**

~~238-243.~~ **“Roadside Stand”**: See Produce Stand.

~~239-244.~~ **“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.

~~240-245.~~ **“School, Private or Quasi-Public”** means a school that is operated by a private or quasi-public organization or individual, excluding charter schools and public schools, which includes an academic curriculum recognized as satisfying the requirements of elementary, secondary, or higher education in the State of Utah and is accredited by an accrediting agency recognized by the State of Utah.

~~241-246.~~ **“School, Public”** means an educational facility operated by a public school district as defined in the Utah State Code.

~~242-247.~~ **“School, Trade or Vocational”** means a post high school educational or vocational training facility.

~~243-248.~~ **“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.

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

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

~~245-249.~~ **“Sensitive lands”** means land and natural features including canyons and slopes in excess of 30%, ridge lines, natural drainage channels, streams or other natural water features, wetlands, flood plains, landslide prone areas, detention or retention areas, debris basins, and geologically sensitive areas.

~~246-250.~~ **“Setback”** means the shortest horizontal distance permitted in each zone, as set forth in the City’s zoning districts, between the **identified** boundary lines of a lot and **the a** building, structure, or part thereof.

~~247-251.~~ **“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.

~~248-252.~~ **“Side yard”**: see **“Yard, side”**

~~249-253.~~ **“Sidewalk”** means a passageway for pedestrians, excluding motor vehicles.

~~250-254.~~ **“Single family dwelling”**: See **“Dwelling, Single family”**

~~251-255.~~ **“Stable”** means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.

~~256.~~ **“Sexually oriented business”** is defined in 19.23.02.

~~252-257.~~ **“Storage - Self-storage or mini-storage units”**:

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

~~258.~~ **“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

~~253-259.~~ **“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.

~~254-260.~~ **“Streets, Collector, Major and Minor”**: see **“Collector street (major and minor)”**

~~255-261.~~ **“Street, Local”**: see **“Local street”**

~~256-262.~~ **“Street, Public”**: see **“Public street”**

~~257-263.~~ **“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.

~~258-264.~~ **“Structure height”**: see **“Building height”**

~~259-265.~~ **“Subdivider”**: see **“Developer”**

~~260.~~266. **“Subdivision”** means any land that meets the definition of subdivision in Utah Code § 10-9a-103.

~~261.~~267. **“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.

~~268.~~ **“Swimming Pool, Community”** refers to a pool that is open to a limited public through membership, such as an HOA or club.

~~269.~~ **“Swimming Pool, Private”** means a pool on an individual residential lot intended for primary use by the occupants of that lot.

~~270.~~ **“Swimming Pool, Public”** refers to a pool that is open to the general public, with or without a fee.

~~262.~~

~~263.~~271. **“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.

~~264.~~272. **“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.

~~265.~~273. **“Temporary Use”** means a use that is associated with a holiday or special event for a limited duration of time, including Outdoor Seasonal Sales.

~~266.~~274. **“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.

~~267.~~275. **“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.

~~268.~~276. **“Trail”** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.

~~269.~~277. **“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.

~~270-278.~~ **“Urban Design Committee”** means a committee made up of architects, planners, builders, or other persons whose primary responsibilities are to:

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

~~271-279.~~ **“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.

~~272-280.~~ **“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.

~~273-281.~~ **“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.

~~274-282.~~ **“Water Utility Ordinance”** means the City of Saratoga Springs’ adopted water utility ordinance.

~~275-283.~~ **“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.

~~276-284.~~ **“Wireless telecommunication equipment”** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.

~~277-285.~~ **“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.**

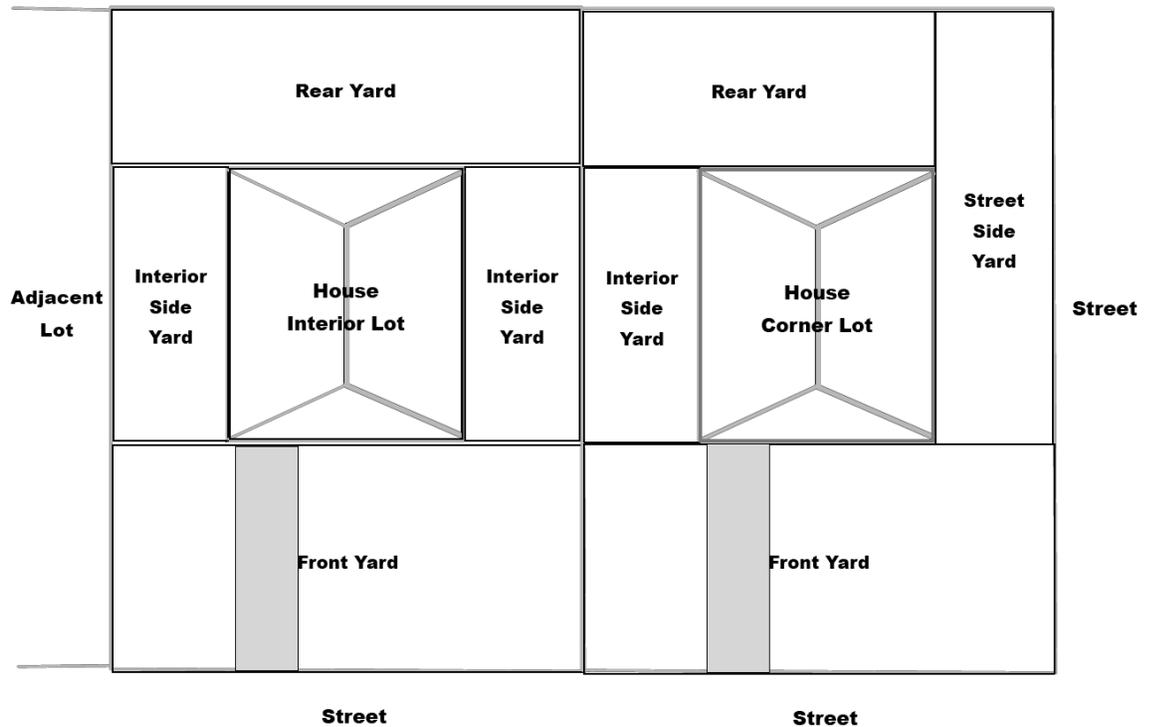
~~278-286.~~ **“Yard, front”** means a yard between the front lot line and the front façade of the main building and extending for the full width of the lot **as illustrated in Drawing 1 below.**

~~279-287.~~ **“Yard, rear”** means a yard between the rear lot line and the rear facade of a main building, extending across the full width of **inside-interior** lots; or, for corner lots, a yard between the rear lot line and the setback line of the building and extending between the **interior** side lot line and the front yard **or street side yard** lying opposite thereto **as illustrated in Drawing 1 below.**

**288. “Yard, side”**

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

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



~~280.~~

~~281-289.~~ **“Zoning map”** means a map that contains all of the land use zone designations for all properties located within the City of Saratoga Springs.

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

**Sections:**

- 19.04.01. Purpose.
- 19.04.02. Land Use Zones and Classification Established.
- 19.04.03. Gradual Transition of Uses and Density.
- 19.04.04. Application of Land Use Zone Regulations.
- 19.04.05. Official Zoning Map.
- 19.04.06. Land Use Zone Boundary Interpretation.
- 19.04.07. Summary of Land Use Regulations.
- 19.04.08. Agricultural (A).
- 19.04.09. Residential Agricultural (RA-5).
- 19.04.10. Rural Residential (RR).
- 19.04.11. Low Density Residential (R-1)
- 19.04.12. Low Density Residential (R-2).
- 19.04.13. Low Density Residential (R-3).
- 19.04.14. Low Density Residential (R-4).
- 19.04.15. Low Density Residential (R-5).
- 19.04.16. Medium Density Residential (R-6).
- 19.04.17. Medium Density Residential (R-10).
- 19.04.18. High Density Residential (R-14).
- 19.04.19. High Density Residential (R-18).
- 19.04.20. Neighborhood Commercial (NC).
- 19.04.21. Mixed Use (MU).
- 19.04.22. Regional Commercial (RC).
- 19.04.23. Office Warehouse (OW).
- 19.04.24. Industrial (I).
- 19.04.25. Mixed Lakeshore (ML).
- 19.04.26. Business Park (BP).
- 19.04.27. Institutional/Civic (IC).
- 19.04.28. Public School Bus Lot (PSBL).

**19.04.01. Purpose.**

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

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

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

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

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

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

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

1. boundaries indicated as approximately following the centerlines of roads or streets, highways, or alleys shall be construed to follow such centerlines;
2. boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines;
5. boundaries indicated as parallel to or extensions of features indicated above shall be so construed;
6. distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
7. where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in the aforementioned rules, the City Planning Director or designee shall interpret the zone boundaries.

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

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

**General Development Standards Residential:**

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

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

FF See applicable zone district for limitations.

**1. ~~Permitted and Conditional Uses by Zone-Residential:~~**

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

**Permitted and Conditional Uses by Zone Residential:**

	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18[1]
Agriculture	P	P	P									
Animal Hospital, Large/Large Veterinary Office	P	P										
Apiary (see §§ 19.05.08)	P	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast	C	C	C	C	C	C	C	C				
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P				

Child Care Center	C	C	C	C	C	C	C	C	C	C	C	C	C
Church	C	C	C	C	C	C	C	C	C	C	C	C	C
Dairy	C	P											
Dwelling, Multi-Family										P	P	P	
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P
	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u> [2]	
	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u> [3]	

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	C
Equestrian Center	C	C											
Farm Animals (see Section 19.05.05)	P	P	P										
Farmer's Market	C	C	C										
Golf Course	P	P	P	P	C	C	C	C					
Home Occupations	<u>See §19.08 Ch. 19.08</u>												
Kennel, Private	C	C	C										
Livestock Auction Yard	C	C											
Plant and Tree Nursery	P	C	C										
Preschool			C	C	C	C	C	C	C	C	C	C	C
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P	P
Public and private utility building or facility	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Building or Facilities (City Owned)	C	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	P
Residential Facilities for Elderly Persons	C	C	C	C	C	C	C	C	C	C	C	C	C

Residential Facilities for Persons with a Disability	C	C	C	C	C	C	C	C	C	C	C	C
Riding Arena (Commercial)	C	C	C									
	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u> [4]
	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u> [5]
Riding Arena (Private)	P	P	P									
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	C	C	C	C								
School, Public	C	C	C	C	C	C	C	C	C	C	C	C
Stables	P	P	C									
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P
	<u>A</u>	<u>RA-5</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-10</u>	<u>R-14</u>	<u>R-18</u>

**P = Permitted C = Conditional**

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

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

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

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

**P= Permitted C= Conditional**

	NC[6]	MU	RC*	OW	I	ML	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		
Automobile Repair, Major				C	C		C		
Automobile Repair, Minor			C**	C	C		P		
	NC[7]	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC[8]	MU	RC*	OW	I	ML	BP	IC	PSBL
Automobile Sales			C**		C		C		
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			C**	C	P				
Bakery, Commercial				C	C				
Bakery, Retail	P	P	P			P	C		
Bed and Breakfast		C				C			
Bookstore	P	P	P			P			
Building Material Sales (with outdoor storage)			C**	C	P		C		
Building Material Sales (without outdoor storage)			C	C	C		C		
Bus Lot									P
Car Wash (full service)			C				C <sup>A</sup>		
Car Wash (self service)			C**	C	C		€		
Child Care Center	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Churches	C	C				C		C	
Commercial & industrial laundries				C	P				
Commercial Recreation		C	C	C	C	P			

Commuter/Light Rail Station			P	P	P		C	C	
Contract construction services establishments				C	P				
<b>Contract Services Office</b>				<b>P</b>	<b>P</b>				
Convenience Store		C	P	C			C <sup>E</sup>		
Convenience Store/Fast Food Combination			C**				C <sup>E</sup>		
Copy Center	C	P	P	C			C <sup>A</sup>		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P						
Dwelling, Above commercial		P	C			P			
Dwelling, Multi-Family		P				P			
Dwelling, Single-Family		P				P			
Dwelling, Three-Family		P				P			
Dwelling, Two-Family		P				P			
Educational Center	C	C	C	C				P	
Electronic Media Rental & Sales		C	P						
	<b>NC[9]</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>ML</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>
	<b>NC[10]</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>ML</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>
Electronic Sales & Repair		C	P						
Equipment Sales & Services			C		P		C <sup>A</sup>		
Financial Institution		P	P						
Fitness Center (5,000 sq. ft. or less)	P	P	P	P		P	C		
Fitness Center( 5,001 sq. ft. or larger)	C	C	C	C			P <sup>A</sup>		
Floral Sales	P	P	P			P			
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	C	C	C				C		
Grocery Store		C	P			P			
Hair Salon	P	P	P			P			
Hardware & Home Improvement Retail		C	P				P		
<b>Home Occupations</b>	<b>See §Chap. 19.08</b>	<b>See §19.08</b> <b>See Chap. 19.08</b>	<b>See §19.08</b> <b>See Chapt1 9.08</b>	<b>See §19.08</b> <b>See Chap.1 9.08</b>	<b>See §19.08</b> <b>See Chap.1 9.08</b>	<b>See §19.08</b> <b>See Chap. 19.08</b>	<b>See §19.08</b> <b>See Chap. 19.08</b>	<b>See §19.08</b> <b>See Chap. 19.08</b>	<b>See §19.08</b> <b>-</b>

Hospital			P				C	P	
Hotels			C	C	C	C	C		
Ice Cream Parlor	P	P	P			P	C <sup>A</sup>		
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	C		
Non-Depository Institutions			C						
Office, High Intensity				P	C		C		
Office, Medical and Health Care	C	C	P				P	P	
Office, Professional	C	P	P	P	C	P	P		
Pawn Shop				C	C				
Personal Service Establishment	C	C		C		C	C <sup>A</sup>		
	NC <sub>111</sub>	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC <sub>121</sub>	MU	RC*	OW	I	ML	BP	IC	PSBL
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C				P	
Preschool	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Printing, lithography & publishing establishments				C	C		P		
Public & private utility building or facility			C	C	C	C		C	C
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	
Reception Centers	C	C	P			P	C		
Recreation Center			C		C	C			
Recreation Rentals			P			P			
Recreational Vehicle Sales			C**						
Recycling Facilities					C				
Research & Development			C	C	C		P	P	
Residential facilities for elderly persons		C				C			

Residential Facilities for Persons with a Disability		C				C			
Restaurant, Casual			P	C		C <sup>E</sup>	C <sup>E</sup>		
Restaurant, Deli	P	P	P			P	C		
Restaurant, Sit Down	P	P	P	P		P	P		
Retail Sales	P	P	P	P		P	C		
Retail, Big Box			C						
Retail, <b>Specialty Specialty</b>	P	P	P	P		P			
Retail, Tobacco Specialty Store				C	C				
School, Public									
School, Trade or Vocational				P	P		P	P	
<b>Self-storage or mini storage units</b>	I	I	I	C	C	-	-	-	-
Sexually Oriented Businesses					P				
Shooting Range, indoor or outdoor				C	C				
<b>Storage, Self Storage or Mini Storage Units</b>				C	C				
<b>Storage, Outdoor</b>					C				
<b>Storage, Vehicle</b>					C				
Tattoo Parlor					C				
Temporary Sales Trailer		T							
Theater			C			C			
Transit-Oriented Development (TOD)		P				P	C		
	NC <sub>13</sub>	MU	RC*	OW	I	ML	BP	IC	PSBL

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

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

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

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

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

**19.04.08. Agricultural (A).**

1. **Purpose and Intent.** The purpose of the Agricultural Land Use Zone is to allow for the continuation of agricultural practices and rural residential neighborhoods where farming is allowed together with the keeping of large animals. Residential densities in this zone shall not exceed 1 ERU per five acres.
2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Agricultural (A) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Agricultural (A) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is 5 acres. Schools or other nonresidential uses may require a minimum size greater than 5 acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
5. **Setbacks and Yard Requirements.**
  - a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
    - i. Front: 50 feet (for corner lots, this applies to both street frontages)
    - ii. Sides: 12 feet
    - iii. Rear: 25 feet
  - b. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. Sides: 25 feet
    - ii. Rear: 25 feet
    - iii. Front: same as principal structure
    - iv. Minimum separation between accessory buildings used for animals and dwellings: 60 feet.
  - iv.c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05**
6. **Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least 250 feet of frontage along a public or private street.
8. **Maximum Height of Structures.** No structure in this zone shall be taller than 35 feet or less if otherwise restricted by local, state, or federal height restrictions.
9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%.

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

1. **Purpose and Intent.** The purpose of the Residential Agricultural (RA-5) Land Use Zone is to allow for the continuation of agricultural practices and the raising of livestock. It covers the portion of the City which historically has been irrigated and utilized for these purposes in Utah County along Lehi-Fairfield Road prior to annexation.
  - a. Although this zone has been established to protect agricultural rights and the raising of livestock, certain non-farm uses, as established herein, and residences on lots large enough to minimize conflict with surrounding properties are allowed in the zone.
  - b. Residential densities in this zone shall not exceed one ERU per five acres.
2. **Permitted Uses.** The uses identified in 19.04.07.2 as Permitted Uses in the Residential Agricultural (RA-5) Land Use Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Residential Agricultural (RA-5) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is five acres. Schools or other nonresidential uses may require a minimum size greater than five acres and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
5. **Setbacks and Yard Requirements.**
  - a. All buildings intended for occupancy or principal buildings in this zone are required to maintain setbacks as follows:
    - i. Front: fifty feet (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - b. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. Sides: twenty-five feet
    - ii. Rear: twenty-five feet
    - iii. Front: same as principal structure
    - iv. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.
  - c. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
6. **Minimum Lot Width.** Every lot in this zone shall be at least 250 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least 250 feet of frontage along a public or private street.

**19.04.10. Rural Residential (RR).**

1. **Purpose and Intent.** The purpose of the Rural Residential Land Use Zone is to allow for the establishment of large lot residential developments that preserve natural view corridors, open spaces, environmentally-sensitive lands and that more fully preserves the rural character of Saratoga Springs. Residential densities in this zone shall not exceed one ERU per acre.
2. **Permitted Uses.** The identified in 19.04.07.2 as Permitted Uses in the Rural Residential (RR) Zone.
3. **Conditional Uses.** The uses identified in 19.04.07.2 as Conditional Uses in the Rural Residential (RR) Zone.
4. **Minimum Lot Sizes.** The minimum residential lot size in this zone is one acre, and may be greater for Conditional Uses. Conditional uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in this Title, including Chapters 19.06, 19.09, 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.
5. **Setbacks and Yard Requirements.**
  - a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
  - b. All buildings intended for occupancy or principal buildings in this zone are required to maintain a minimum distance from property lines as follows:
    - i. Front: thirty-five feet (for corner lots, this applies to both street frontages)
    - ii. Sides: twelve feet
    - iii. Rear: twenty-five feet
  - c. All accessory buildings **requiring a building permit in** this zone are required to maintain distances from property lines and other dwellings as follows:
    - i. Sides: twenty-five feet
    - ii. Rear: twenty-five feet
    - iii. Front: same as principal structure
      - i. Minimum separation between an accessory building used for animals and a dwelling: sixty feet.

**c. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
6. **Minimum Lot Width.** Every lot in this zone shall be at least 100 feet in width at the front building setback.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least seventy-five feet of frontage along a public or private street.

**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.

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

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

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

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

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

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

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

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

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

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

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

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

- 6. **Minimum Lot Width.** Every lot in this zone shall be at least 70 feet in width at the front building setback.
- 7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street.
- 8. **Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.
- 9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent.
- 10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,250 square feet of living space above grade.

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

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

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

- 6. **Minimum Lot Width.** Every lot in this zone shall be at least 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.

to the garage) but in no case shall the front plane and porch combined be set back less than 15 feet.

- ii. Sides:
  - 1. single family residences: 5/10 feet (minimum/combined);
  - 2. two-family and three-family structures: ten feet
- iii. Rear: twenty feet
- b. Corner Lots:
  - i. There shall be a minimum setback on corner lots as follows:
    - 1. Front: twenty-five feet
    - 2. Side abutting the street: twenty feet
  - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
- c. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. **Sides/Interior sides:** five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner **street-side:** same as principal structure
- d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
  - ~~iv. Front and corner side yard setbacks must be met.~~
- ~~d.e.~~ There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

6. **Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For Two-Family and Three-Family Structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling or lot.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For Two-Family and Three-Family Structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.
8. **Maximum Height of Structures.** No structure in this zone shall be taller than thirty-five feet.
9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is fifty percent. For Two-Family and Three-Family Structures where each dwelling is separately owned, the maximum lot coverage shall be based on all of the buildings combined rather than each dwelling.
10. **Minimum Dwelling Size.** Every dwelling in this zone shall contain a minimum of 1,000 square feet of living space above grade.
11. **Open Space Requirement.** There shall be a minimum requirement of twenty percent of the total project area to be installed as open space not reserved in individual lots. Such open space shall

- i. Front: twenty-five feet.
    - 1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
    - 2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be combined with a reduced setback for the front plane but in no case shall the front plane and porch combined be set back less than 15 feet.
  - ii. Sides:
    - 1. single family residences: 5/10 feet (minimum/combined)
    - 2. multi-family structures: ten feet
  - iii. Rear: twenty feet
  - b. Corner Lots:
    - i. There shall be a minimum setback on corner lots as follows:
      - 1. Front: twenty- feet
      - 2. Side abutting the street: fifteen feet
    - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.
  - c. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings -as follows:
    - i. **Sides/Interior sides**: five feet
    - ii. Rear: five feet
    - iii. Front: same as principal structure
    - iv. Corner **street-side**: same as principal structure
  - d. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
  - ~~iv. Front and corner side yard setbacks must be met.~~
  - ~~d.e.~~ There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.
6. **Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.
8. **Maximum Building Height.** No building in this zone shall be taller than thirty-five feet.

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

2. An unenclosed front entry or porch may encroach up to five feet into the twenty-five-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
  - ii. Sides:
    1. single family residences: 5/10 feet (minimum/combined)
    2. multi-family structures: ten feet
  - iii. Rear: twenty feet
- c. Corner Lots:
  - i. There shall be a minimum setback on corner lots as follows:
    1. Front: twenty-five feet
    2. Side abutting the street: twenty feet
  - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty-five and twenty feet.
- d. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. **Sides/Interior sides**: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner **street-side**: same as principal structure
- e. **All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
  - iv. ~~Front and corner side yard setbacks must be met.~~
- e.f. There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

6. **Minimum Lot Width.** Every lot in this zone shall be at least 50 feet in width at the front building setback. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot width shall be based on each building rather than each individual dwelling.
7. **Minimum Lot Frontage.** Every lot in this zone shall have at least thirty-five feet of frontage along a public or private street. For multi-family, two-family, and three-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual dwelling.
8. **Maximum Height of Structures.** No building in this zone shall be taller than forty feet.

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

**5. Setbacks and Yard Requirements.**

- a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
- b. All principal buildings in this zone are required to maintain minimum setbacks as follows:
- i. Front: twenty-five feet.
    1. The front plane of the home may encroach by up to five feet into the required setback if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback of the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
    2. An unenclosed front entry or porch may encroach up to five feet into the twenty-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
  - ii. Sides: single family residences: 5/10 feet (minimum/combined); multi-family structures: ten feet
  - iii. Rear: twenty feet
- c. Corner Lots:
- i. There shall be a minimum setback on corner lots as follows:
    1. Front: twenty feet
    2. Side abutting the street: fifteen feet
  - ii. The front setback and side setback abutting the street can be reversed, but in no case will the setback combination for the two street sides be less than twenty and fifteen feet.
- d. All accessory buildings **requiring a building permit** in this zone are required to maintain distances from property lines and other dwellings as follows:
- i. **Sides/Interior sides**: five feet
  - ii. Rear: five feet
  - iii. Front: same as principal structure
  - iv. Corner **street-side**: same as principal structure
- e. All accessory buildings not requiring a building permit shall comply with the standards in §19.05.**
- ~~iv. Front and corner side yard setbacks must be met.~~
- ~~e.f.~~ There shall be a five foot minimum separation between accessory buildings and dwellings in this zone.

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

## Chapter 19.05. Supplementary Regulations.

### Sections:

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

### 19.05.01. Purpose.

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

### 19.05.02. General Supplemental Regulations.

1. **Semi-Private Recreation Clubs.** The Planning Commission may permit, as a Conditional Use, the use of land in any zone for semi-private swimming clubs, tennis courts, or other recreational facilities providing that in all such cases, the following conditions are met:
  - a. the facilities shall be owned and maintained by the members; and
  - b. a minimum of seventy-five percent of the membership must be residents of the neighborhood or section of the subdivision.
2. **Yard Space, Open Space, Setbacks, and Other Requirements for One Building Only.** Required yards or open space around an existing building shall not be considered as providing yard or open space for any other building for the purpose of complying with the provisions of this Title. In addition, yards or other open space on an adjoining lot shall not be considered as providing a yard or open space on a lot whereon a building is to be erected or established. Areas needed to meet the width, depth, yard, area, parking, or other requirements of this Title for a lot or building may not be sold or leased away from such lot or building.
3. **Every Dwelling on a Lot.** Every dwelling structure shall be located and maintained on a separate lot or parcel having no less than the minimum area, width, depth, and frontage required by this Title for the zone in which the dwelling structure is located, except that group dwelling complexes or other more flexible requirements as permitted by this Title, may vary from this requirement.

- e. any court lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents; and
- f. the hours of operation shall be from 8:00 a.m. to 10:00 p.m.

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

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

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

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

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

19. **Model Homes.** Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer.

Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

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

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

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

## Chapter 19.06. Landscaping and Fencing.

### Sections:

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

### 19.06.01. Purpose.

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

### 19.06.02. Required Landscaping Improvements.

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

### 19.06.03. General Provisions.

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

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

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

#### 19.06.04. Landscaping Plan.

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

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

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

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

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

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

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

3. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:

- a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
- b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
- c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
- d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
- e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees and the use of secondary water where available.
- f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
- g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
- ~~g.~~ h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4") in caliper, shall be identified on the landscape plan and preserved if possible. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
- ~~h.~~ i. **Berming.** Berming is encouraged as a screen or buffer between opposing land uses.
- ~~i.~~ j. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.

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

**19.06.07. Amount of Required Landscaping.**

1. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped in all land use zones.
- ~~2.~~ **Single-family residential development shall be required to landscape per Section 19.06.08. At least 25% of the landscaped area shall be covered with live vegetation.**
- ~~3.~~ **The Multi-family, improved open space, and nonresidential development in the R-6, R-10, R-14, R-18, NC, MU, RC, OW, I-, ML, BP, IC, PSBL Zones shall be required to adhere to the minimum landscaped standards contained in the table below.**
- ~~4.~~ The City Council shall have authority to adjust these standards as circumstances dictate.

<b>Required Landscaped Area<sup>1</sup></b>	<b>Minimum Deciduous Trees<sup>3</sup></b>	<b>Minimum Evergreen Trees<sup>3</sup></b>	<b>Minimum Shrubs</b>	<b>Minimum Percentage of Required Turf</b>	<b>Percentage of Required Planting and Shrub Beds</b>
< than 1,000	1	1	57	0 % <sup>2</sup>	Up to 100%
1,001 - 3,000	23	1	710	0 % <sup>2</sup>	Up to 100%
3,001 - 5,000	45	2	913	0 % <sup>2</sup>	Up to 100%
5,001 - 7,000	45	3	1114	35%	Not more than 65%
7,001 - 9,000	56	3	1317	35%	Not more than 65%
9,001 - 11,000	56	4	1519	35%	Not more than 65%
11,001 - 13,000	56	4	1722	35%	Not more than 65%
13,001 - 15,000	67	5	1925	35%	Not more than 65%
<b>15,001 &gt;</b>	<b>7 + 1 per additional 3000 sq.ft.</b>	<b>5 + 1 per additional 3000 sq.ft.</b>	<b>1925 + 1 per additional 3000 sq.ft.</b>	<b>25%</b>	<b>Not more than 75%</b>

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

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

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

(Ord. 14-1)

**19.06.08. Additional Landscaping Requirements.**

1. All residential lots shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):

- a. receiving a Certificate of Occupancy; or
- b. once ownership is established by the current owner.

2. Park strips.

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

3. Parking Lots.

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

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

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

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

- 3.4. **Parallel fencing:** installing additional fencing inside and parallel to existing fencing along open space or trails, where there is no dwelling or lot between the parallel fences, is not permitted.
- 4.5. **Double frontages:** ~~Where~~ ~~where~~ lots have ~~double~~ frontages onto more than one street, that area designated by the property owner as the rear yard may have a solid or view obstructing fence, wall, or hedge not exceeding six feet in height. Where the double frontage lot is also a corner lot (three frontages), clear sight across corner property shall be required and enforced. See Section 19.06.11, Clear Sight Triangles.
- 5.6. **Non-residential and Multi-family:** ~~Fencing~~ ~~fencing~~ and other screening materials for multi-family, residential, commercial, or industrial projects must receive approval by the City Council through the Site Plan review process. See Chapter 19.13 for Site Plan review requirements. In addition, the following criteria shall be applied:
- compatibility with fences of surrounding uses;
  - quality of proposed materials;
  - aesthetics of proposed materials;
  - requirements of applicable development agreements;
  - intensity of existing surrounding uses; and
  - applicable conditions of approval.
7. **Required fencing:** ~~Fencing~~ ~~fencing~~ shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties.
- ~~Where trail corridors immediately abut a collector or arterial non-arterial road, privacy fencing may be installed. Fencing along arterials shall be semi-private.~~
  - ~~In an effort to promote safety for citizens using these trail corridors that do not abut a road, and security for home owners, fences along these trail corridors shall be semi-private.~~
  - ~~Fencing along open space, parks, trails, and easement corridors may be less than six feet in height but shall not be less than three feet in height, at the discretion of the property owner.~~

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

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

- For commercial, mixed use, and industrial developments abutting residential zones an opaque fence ~~or wall~~ shall be installed and maintained along lot lines.
- ~~For residential developments abutting active agricultural property or operations, a solid fence or wall shall be installed and maintained along the abutting property line.~~
- ~~The opaque fence shall be a minimum of six feet in height but not more than eight feet. A lower height fence may be required adjacent to a front property line for sight distance and traffic safety (see Section 19.06.08). Walls above six feet shall first be reviewed and approved by the City~~

Council during site plan review. In determining the specific height of the fence, the following criteria shall be applied:

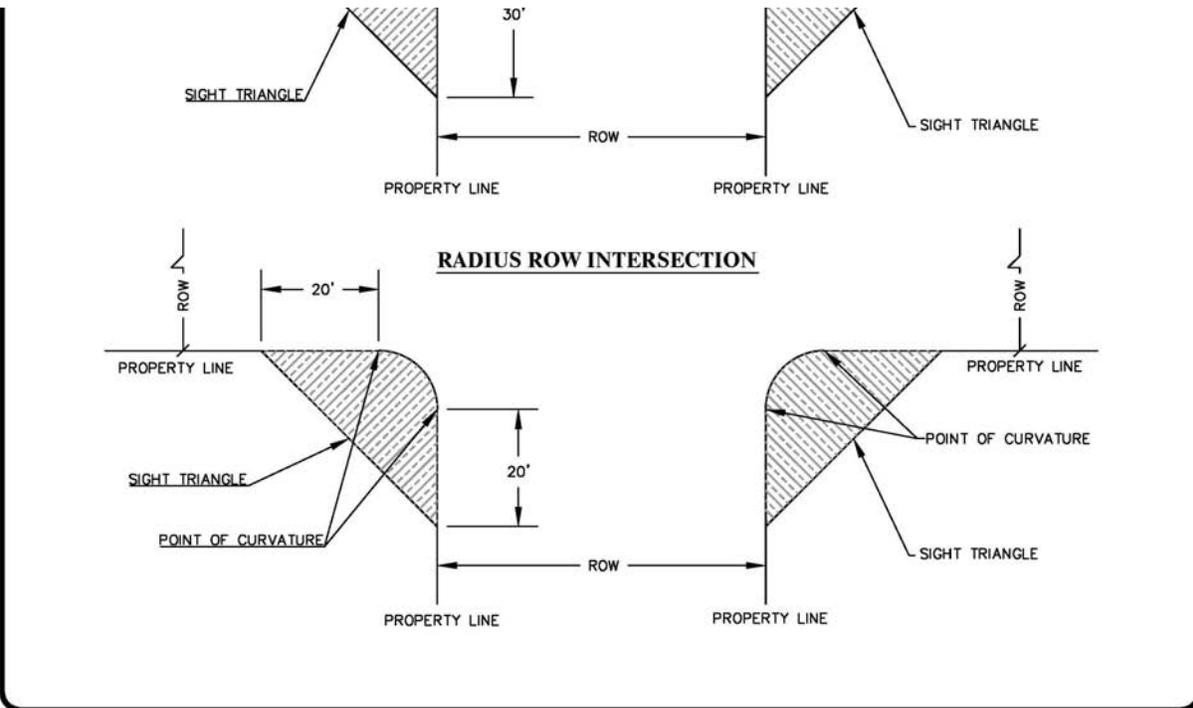
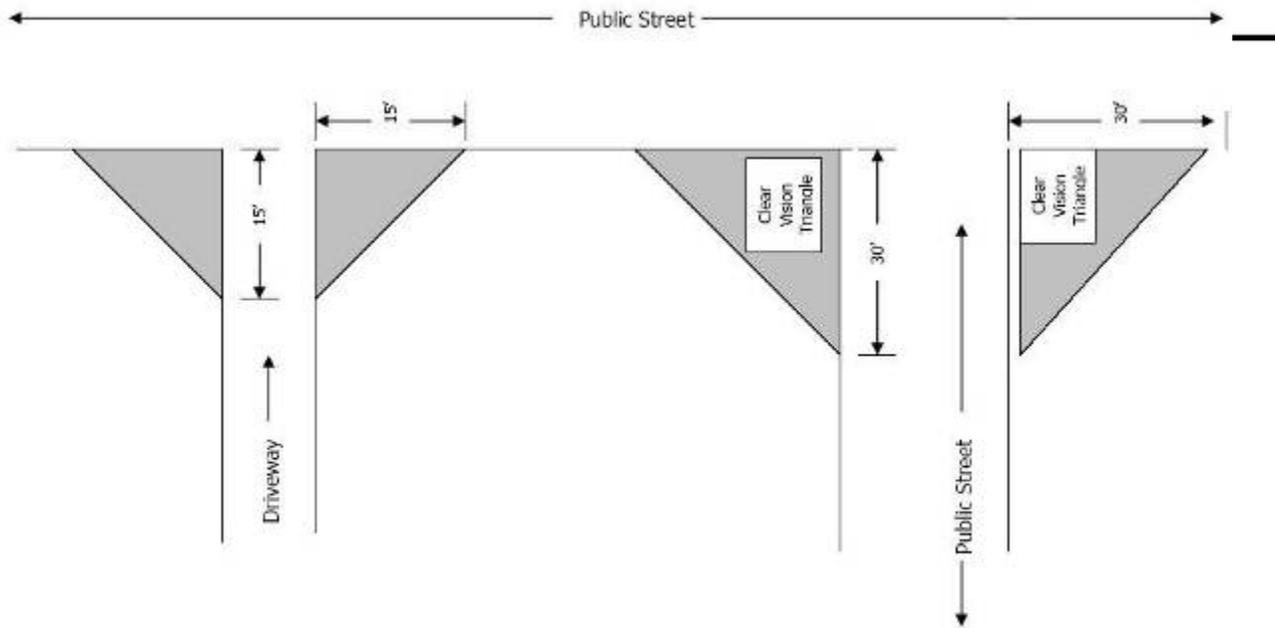
- a. compatibility with fences **or walls** of surrounding uses;
- b. aesthetics of proposed materials;
- c. requirements of applicable development agreements;
- d. intensity of existing surrounding uses; and
- e. applicable conditions of approval

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

#### **19.06.11. Clear Sight Triangle.**

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

Clear Sight Triangle:



**SIGHT TRIANGLE**

DATE:  
JULY 2014

DRAWING NAME:

DRAWN BY:  
ETL

CHECKED: APPROVED:

REVISIONS		
REV	DATE	BY

COMMENTS

**SARATOGA SPRINGS CITY**

1307 N. COMMERCE DR.  
#200, SARATOGA SPRINGS,  
FL 32909  
PHONE: 801-786-5793  
FAX: 801-566794



STANDARD DETAILS

SIGHT TRIANGLE

**Chapter 19.09. Off-Street Parking Requirements.**

**Sections:**

- 19.09.01. Purpose.**
- 19.09.02. Required Parking.**
- 19.09.03. General Provisions.**
- 19.09.04. Submittal and Approval of Parking Areas.**
- 19.09.05. Parking Requirements.**
- 19.09.06. Dimensions for Parking Stalls.**
- 19.09.07. Accessible Parking.**
- 19.09.08. Landscaping in Parking Areas.**
- 19.09.09. Pedestrian Walkways and Accesses.**
- 19.09.10. Shared Parking and Curb Cuts.**
- 19.09.11. Required Parking ~~by Zone~~.**

**19.09.01. Purpose.**

The purpose of this Chapter is to reduce congestion and traffic hazards on public rights-of-way by requiring adequate, functional, and effective use of off-street parking areas. This chapter also establishes minimum landscaping requirements in order to: reduce adverse impacts of headlight glare and lighting within the parking area; improve circulation within parking areas by channeling vehicles and pedestrians; provide climatic relief from broad expanses of pavement; and improve the appearance of the site and surrounding neighborhood.

**19.09.02. Required Parking.**

Off-street parking shall be provided according to standards noted in this Chapter for all newly constructed buildings, and additional parking shall be provided for any structure or use that is legally expanded.

**19.09.03. General Provisions.**

1. **Materials for Parking Areas.** Parking areas shall consist of concrete, asphalt, or other impervious materials approved in the City's adopted construction standards.
2. **Maintenance of Parking Areas.** Pavement, striping, landscaping, and lighting are required to be maintained in all parking areas. During times of snowfall, parking areas shall be cleared of snow as soon as practical.
3. **Parking Area Access.** Parking areas for one or more structures may have a common access so long as the requirements of all City ordinances, regulations, and standards are met. The determination of the locations for a common access shall be based upon the geometry, road alignment, and traffic volumes of the accessed road. All structures other than residential are required to provide parking areas where automobiles will not back across a sidewalk to gain access onto a public street.

## 19.09.08. Landscaping in Parking Areas.

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

1. **Parking Areas Adjacent to Public Streets.** All parking areas (not including a driveway for an individual dwelling) for non-residential or multi-family residential uses that are adjacent to public streets shall have landscaped bermed strips of not less than ten feet placed between the sidewalk and the parking areas. Trees, both deciduous and evergreen, shall be placed in the strip with spacing of no less than thirty-foot intervals. The standards of section 19.06.06, Planting Standards and Design Requirements, shall apply for the minimum size of vegetation.
2. **Curbs.** All landscaped areas abutting any paved surface shall be curbed (not including a driveway for an individual dwelling). Boundary landscaping around the perimeter of the parking areas shall be separated by a concrete curb six inches higher than the parking surface.
3. **Clear Sight.** At intersections of streets, driveways, and sidewalks all landscaping shall be limited to a height of not more than three feet. The grade at such intersections shall not be bermed or raised for a distance of thirty feet at intersections and fifteen feet back from driveways to allow for sight distance as detailed in Chapter 19.06.11, Clear Sight Triangles.
4. **Components of Landscaped Areas.** All landscaped parking areas shall consist of trees, shrubs, and groundcover. Areas not occupied by structures, hard surfaces, vehicular driveways, or pedestrian walkways shall be landscaped and maintained. All landscaped areas shall have an irrigation system.
5. **Required Parking Islands.**
  - a. **Islands on Doubled Rows of Parking.** On doubled rows of parking stalls, there shall be one 36-foot by 9-foot landscaped island on each end of the parking rows, plus one 36-foot by 9-foot landscaped island to be placed at a minimum of every twenty parking stalls. Each island on doubled parking rows shall include a minimum of two trees per planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
  - b. **Islands on Single Rows of Parking.** On single rows of parking or where parking abuts a sidewalk, there shall be one 18-foot by 9-foot landscaped island a minimum of every ten stalls. Islands on a single parking row shall have a minimum of one tree planter. See 19.06.06, Planting Standards and Design Requirements, for the minimum size of vegetation.
  - c. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site.
6. **Landscaped Boundary Strips.** All landscaped boundary strips shall be a minimum of eight feet in width. A landscaped screen, berm, or fence may be required by the City Council around the

**19.09.11. Required Minimum Parking by Zone.**

The table below indicates the minimum requirement for each use; unless otherwise identified, in no case may the minimums be exceeded by more than 25%.

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

## Chapter 19.11. Lighting

### Sections:

19.11.01. Purpose.

19.11.02. Applicability.

19.11.03. Definitions.

19.11.04. Temporary Lighting.

19.11.05. Lighting Standards and Design Requirements.

19.11.06. Lighting Plan.

19.11.07. Other Prohibited Lighting.

19.11.08. Maintenance of Nonconforming Lighting.

### 19.11.01. Purpose.

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

### 19.11.02. Applicability.

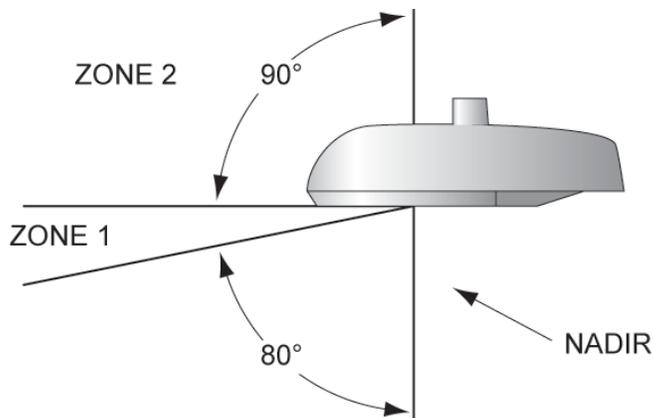
1. Conformance required: this section applies to all new development in the City unless otherwise exempted in this Title, expansions to previously existing development in the City, and uses proposed to operate during hours of darkness.
2. Exemptions: the following uses shall be exempt from the requirements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

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

### 19.11.03. Definitions.

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

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



**Exhibit 1**

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

19. **Outdoor Lighting** – Illumination of an outside area or object by any manmade device.
20. **Sport Lighting** – Lighting with the sole purpose of lighting a public sports field, court, or stadium during sporting events and training.
21. **Temporary Outdoor Lighting** – Lighting allowed as specified in an approved temporary permit pursuant to the requirements of this Chapter.
22. **Trespass Lighting** – Light emitted by a lighting fixture which is cast outside the boundaries of the property on which the lighting fixture is sited.
23. **Walkway Lighting** – Light which is intended to specifically illuminate a walkway or path, and does not include light that reaches a walkway from another source, such as a parking lot or street light.

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

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

1. The permit may allow temporary lighting for a period not to exceed ninety consecutive days, with at least ninety days passing before another temporary electrical permit may be issued for that same property.
2. The total period of all such permits issued for a single property may not exceed ninety days in any year.
3. The ability to acquire a temporary permit shall not in any way annul or eliminate any requirement to apply for and receive other permits or approvals which may be required by the City, or other applicable jurisdiction(s).
4. The request for temporary lighting must contain the following information in addition to information required to obtain a temporary electrical permit:
  - a. Proposed use, purpose and location of the outdoor light requested.
  - b. A written explanation of why compliance cannot be achieved.
  - c. Type of lamp(s) to be used, including manufacturer's part number and initial lumens.
  - d. Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in (ISO) foot-candle diagrams.
  - e. Starting and ending dates for temporary lighting use and identification of all prior temporary lighting permits requested or approved for the subject property
  - f. Contact information including name of applicant, affiliation (if applicable), address and telephone number.
  - g. Such other information the Planning Director may require.
5. Notwithstanding the above provisions, no such temporary lighting permit shall be issued for lighting, which if installed, would be located within ½ (one-half) mile of the boundary of Camp

W.G. Williams.

6. 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.
7. All temporary lighting proposed under this Ordinance shall to the maximum extent practical, limit the scale of proposed temporary exemptions (lumens, trespass, hours, etc.). In taking action on any such application, the Planning Director or his/her agent may deny in whole or in part, specific proposed elements of the proposal, or impose conditions and/or modifications in order to mitigate, reduce or eliminate potential negative impacts on the public health, safety or general welfare.

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

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

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

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

**a. All residential development:**

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

**b. Single Family:**

- i. Homes located less than one half mile from Camp Williams are exempt from the general design standards except that all lighting shall be full cutoff and shall not exceed 90 watts.
- ii. Homes located more than one half mile from Camp Williams, are exempt from the design standards except that all lighting shall be full cutoff.

**3. Nonresidential Lighting:**

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

- ii. Business open for 24 hours must turn off 50% of their outdoor and parking lot lighting by 11:00pm and must keep them off until one half hour before sunrise, however, those lighting fixtures turned off may be set to function utilizing a motion detector system.

#### **4. Outdoor Sign Lighting**

- a. All illuminated signs located within one-half (1/2) mile of Camp W.G. Williams shall be positioned in such a manner and contain shielding devices as to significantly reduce spillover light affecting the military installation and operations. In no instance shall signs within 1/2 mile be positioned facing parallel to the adjacent boundaries of Camp W.G. Williams.
- b. On-premise signs may remain illuminated during regular business hours, but may not be illuminated later than one-half (½) hour after the business is no longer open to the public, nor prior to the daily opening of the business to the public.
- c. External illumination for wall signs shall be positioned in a downward direction directly onto the sign in such a manner that light does not project past the sign surface being illuminated.
- d. Monument signs may have upward illumination provided the light source is not visible, and the fixtures shall be installed and aimed in such a manner that light is not projects past the sign surface being illuminated, into the windows of neighboring residences, onto adjacent uses, onto public roadways, or skyward.
- e. Internally illuminated signs shall be designed so that the light source is not visible.
- f. All digital signs shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices, such as louvers, to minimize light escaping above the horizontal plane.
- g. Nothing in this section shall be interpreted to authorize signs in areas of the City prohibiting signs.

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

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

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

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

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

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

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

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

1. Plans indicating the location and types of illuminating devices on the premises.
2. Descriptions of the illuminating devices, fixtures, lamp supports, and other devices. This description may include, but is not limited to, manufacturers' specifications, drawings, and sections.
3. Photometric sheet showing measurement of light intensity across the site and onto adjacent property in terms of candela, lumens, and foot-candles.
4. Plans providing information required in the Technical Standards and Specifications Manual.

#### **19.11.07. Other Prohibited Lighting**

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

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

#### **19.11.08. Maintenance of Nonconforming Lighting**

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

## Chapter 19.12. Subdivisions.

### Sections:

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

### 19.12.01. Purpose.

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

### 19.12.02. General.

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

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

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

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

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

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

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

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

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

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

(Ord. 14-4)

### 19.12.03. Subdivision Process and Approval Procedure.

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

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

2.
  - 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.
  - ~~a.e. Wetland delineation when required by City Engineer, Planning Commission, or Development Review Committee, or the Army Corp of Engineers.~~
  - ~~d. Preliminary~~
  - f. Traffic report. Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
    - i. an analysis of the average daily trips generated by the proposed project;
    - ii. an analysis of the distribution of trips on City street systems; and
    - iii. a description of the type of traffic generated; and
    - iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City that meets the standards of the Transportation Master Plan. [3]
  - g. Data table including:
    - i. total project area;

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

- xi. The boundary lines of the project with bearings and distances and a legal description.
  - xii. Layout and dimensions of proposed lots with lot area in square feet.
  - xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, recreational amenities, and trails—ete.
  - 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.
  - l. Preliminary 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<sup>[4]</sup> as required on the application form. Additional copies may be required prior to adding the application to the Planning Commission agenda.
  - m. 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—.
  - n. 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.
  - o. 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.
  - p. File of all plans, documents, and reports in pdf format.
  - q. A copy of the Utah County plat map showing ownership and parcel numbers.
  - r. A document from UDOT Region 3 stating they have that UDOT has granted approval for all proposed accesses access onto any State road.
  - s. Geolocated KMZ file including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
3. **Final Plat** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.

i. ~~General Layout:~~

- ~~1. Name and address of owners of land and name and address of developer if different than owner.~~
- ~~2. Name of land surveyor.~~
- ~~3. The location of the proposed subdivision with respect to surrounding property and streets.~~
- ~~4. The name of all adjoining property owners of record, or the names of adjoining developments.~~
- ~~5. The names and location of adjoining streets and all facilities within 100 feet of the platted property.~~
- ~~6. Street and road layout with centerline bearing and distance labels, dimensions, and names of existing and future streets and roads, (with all new names cleared through the City GIS Department).~~
- ~~7. Subdivision name cleared with Utah County.~~
- ~~8. North arrow.~~
- ~~9. A tie to a permanent survey monument at a section corner.~~
- ~~10. The boundary lines of the project with bearings and distances and a legal description.~~
- ~~11. Layout and dimensions of proposed lots with lot area in square feet.~~
- ~~12. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, etc.~~
- ~~13. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.~~
- ~~14. Proposed road cross sections.~~
- ~~15. Vicinity map.~~
- ~~16. Proposed fencing.~~
- ~~17. Signature blocks for preliminary approval by Planning Commission and City Council.~~
- ~~18. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.~~

ii. ~~Proposed methods for the protection or preservation of sensitive lands:~~

~~1. Grading and Drainage Plans:~~

~~2. Topography at two-foot intervals:~~

- ~~3. Road and lot layout.~~
- ~~4. Areas of substantial earth moving with erosion control plan.~~
- ~~5. Location of existing water courses, canals, ditches, springs, wells, culverts, and storm drains.~~
- ~~6. Location of any flood plains, wetlands, and other sensitive lands.~~
- ~~7. Location of 100-year high water marks of all lakes, rivers, and streams.~~
- ~~8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, off-site drainage facilities planned to accommodate the project drainage, and drainage plans proposed to facilitate the 10-year storm event. An off-site discharge rate of 0.2 cubic feet per second is the maximum allowed.~~
- ~~9. Irrigation water systems shown with provisions to preserve them.~~

iii. ~~Utility Layout Plans:~~

1. ~~All existing and proposed utilities including sewer, culinary water, secondary water, fire hydrants, storm drainage, subsurface drains, gas lines, overhead power lines, and street lights.~~
2. ~~Fire flow calculations at all hydrant locations.~~
3. ~~Location and dimensions of all utility easements, existing and proposed.~~
4. ~~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 in 19.06. Irrigation water systems shown with provisions to preserve them.~~

~~Preliminary construction drawings per Engineering Standards.~~

~~Erosion control plan.~~

~~Open space and sensitive lands plan, including delineation and acreage of sensitive lands, delineation and acreage of total open space, percentage of open space consisting of sensitive lands, proposed method for preservation of open space, and recreational facilities.~~

~~Phasing plan including number of lots, open space plat, utility phasing, and recreational facilities.~~

~~Lighting plan including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement.~~

iv. ~~File of all plans in pdf format.~~

v. ~~A copy of the Utah County plat map showing ownership and parcel numbers.~~

vi. ~~A document stating that UDOT has granted approval for access onto any State road.~~

~~Geolocated KML file including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands~~

a. ~~**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.** ~~The Planning Director and City Engineer shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.~~

- ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements, findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before recommending City Council action.

- iii. If the Planning Director recommends that a proposed Final Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
- iv. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

b-a. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:

- a. Application form, applicant certification, and paid application fee.
- b. Signed easements and agreements with adjacent property owners for necessary off-site facilities.
- c. Signed and recorded articles of incorporation bylaws, and conditions, covenants, and restrictions of the Home Owners Association, if any.
- d. Certificate of Existence and Certificate of Good Standing from the State of Utah for the Home Owners Association, if any.
- e. Final Hydraulic and Hydrologic storm drainage report and calculations
- f. Final Traffic report. Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
  - v. an analysis of the average daily trips generated by the proposed project;
  - vi. an analysis of the distribution of trips on City street systems;
  - vii. a description of the type of traffic generated; and
  - viii. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
- g. Data table including: Data table including
  - i. total project area;
  - ii. total number of lots, dwellings, and buildings;
  - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
  - iv. number of proposed garage parking spaces;
  - v. number of proposed parking spaces;
  - vi. percentage of buildable land;
  - vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private);
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).

- d.
- e. ~~Itemized construction cost estimate.~~
- f. ~~Evidence of water rights and compliance with the City's water utility ordinance. Water rights shall be transferred to the City and approved for municipal use within the City by the Utah State Engineer prior to Final Plat approval and recordation.~~
- Final Subdivision Plat:**
- ~~Final subdivision plats shall be detailed in ink on reproducible Mylar sheets that are 24" x 36". Five~~
- h. ~~Three full-size 24" x 36" sheets and seven 11" x 17" copies shall be submitted at a scale no smaller than 1" = 100' as outlined on the application form, along with digital copies as outlined below.~~ Additional copies ~~will~~ may be required prior to the ~~Planning Commission~~ City Council meeting where final plats are scheduled for consideration to adding the application to the Planning Commission or City Council agenda. Each Copy shall conform to the City's standard plat layout and contain at a minimum the following items: ~~consideration.~~
  - ~~Three blueprint copies of the complete construction drawings shall also be submitted.~~
  - ~~Final plats shall be in the standard form as maintained by the City Engineer.~~
  - g. ~~In addition, a~~ All final plats shall include (or be accompanied by) the following:
    - i. Subdivision name and location.
    - ii. Name and address of owners of land and name and address of developer if different than owner.
    - iii. Name of land surveyor.
    - iv. The location of the proposed subdivision with respect to surrounding property and streets.
    - v. The name of all adjoining property owners of record, or the names of adjoining developments.
    - vi. The names and location and ROW widths of adjoining streets and all facilities within 100 feet of the platted property.
    - vii. Subdivision name cleared with Utah County.
    - viii. North arrow.
    - ix. A tie to a permanent survey monument at a section corner.
    - x. The boundary lines of the project with bearings and distances and a legal description with total project area in SF and acres.
    - xi. Layout and dimensions of proposed lots with lot area in square feet and acres. Lot boundaries shall include dimensions and bearings. Building envelopes shall be shown with dimensions and areas on each lot where slopes are greater than ten percent.
    - xii. Lot Numbers
    - xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, ~~ete~~ 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.
  - i. Existing and Proposed Subdivision name and location.
  - ii. Description of land to be included in the subdivision with appropriate survey ties to existing section corners.
  - iii. The total subdivision area.
  - iv. Width and names of existing and proposed roads.
  - v. Drawing scale to be no smaller than one inch = 100 feet.
  - vi. Lot dimensions, property line bearings, and area.
  - vii. Building envelope shown on each lot where slopes are greater than ten percent.
  - viii. Lot numbers.
- ix. xxiii. Easements.
- x. xxiv. Street monument locations.
- xxv. Fire hydrant locations (every 500 feet).
  - xi. Irrigation plans.
- xii. xxvi. Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).
  - xiii. Boundary fences.
  - xiv. Flood plain boundaries as indicated by the Federal Emergency Management Agency.
  - xv. Certificate of Survey.
  - xvi. Signature blocks per the City standard plat.
- xvii. xxvii. Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27 and be approved in writing by the City GIS department before being added to the subdivision plat.
  - i. Final Construction Drawings containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide three full-size 24" x 36" copies and five 11 x 17 inch reductions. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda.
  - j. Landscaping and irrigation plans drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, installation details and other information consistent with the standards in 19.06.
  - k. Phasing plan including a data table with the following information for each phase:
    - 1. Subtotal area in square feet and acres;
    - 2. number of lots or dwelling units;
    - 3. open space area and percentage;
    - 4. utility phasing plan;
    - 5. number of parking spaces;
    - 6. recreational facilities to be provided;
    - 7. overall plan showing existing, proposed, and remaining phases.

- l. **Lighting plan** including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement **consistent with the requirements in Section 19.11.**
- m. File of all plans, documents and reports in pdf format.
- n. A document from UDOT Region 3 indicating ~~they havetating~~ that UDOT has granted approval for all proposed accesses onto any State road.
- o. **Geolocated KMZ file** including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
- p. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
- q. **Mylar Final Plat-:** After receiving Final Plat approval from the City council and in a form approved by the City ~~Engineer and Planning Director~~, a 24" x 36" copy of the final plat shall be provided to the City on reproducible Mylar for recording with Utah County. Mylar plat shall be presented with all utility and owner signatures and appropriate notarizations.
  - Data table including
    - total number of lots, dwellings, and buildings;
    - square footage of proposed buildings by floor;
    - number of proposed garage parking spaces;
    - number of proposed parking spaces;
    - percentage and acreage of buildable land;
    - percentage and acreage of sensitive lands
    - percentage and acreage of open space or landscaping;
    - 1. net density of dwellings by acre.
  - Any and all notes listed on the approved City standard plat.
- xviii. ~~Any and all notes necessary to implement conditions of approval.~~
- xix. ~~Complete Final Construction Drawings containing the following per the Engineering CodeCode:~~
  - 1. ~~Plan and profile and construction detail drawings prepared by a licensed professional Engineer. His or her signature and seal shall be on each sheet.~~
  - 2. ~~Control data referencing information contained on County area reference plats (A.R.P.s) consistent with that of the included subdivision.~~
  - 3. ~~Elevations tied to an existing Utah County benchmark and including a benchmark for the project.~~
  - 4. ~~Drawings on a scale of 1" = 20' horizontal and 1" = 5' vertical. The vertical scale may be smaller in unusual circumstances.~~
  - 5. ~~Stationing increasing from the left to the right.~~
  - 6. ~~Centerline data and property line data including details of all curves.~~
  - 7. ~~Centerline profiles a minimum of 300 feet each way from the ends of subdivision streets except where curb, gutter, and sidewalk exist adjacent to the subdivision.~~
  - 8. ~~Location of all improvements within or adjoining the subdivision. This includes curb and gutter, sidewalk and ground pipes and utilities, ditches, canals, fire hydrants, street lights, valves, etc.~~
  - 9. ~~Location of all proposed structures. Detailed standard county structures need not be detailed on the grade sheets, if the applicable county drawing if referenced.~~

- ~~10. All proposed drainage facilities, including pipe and boxes. This includes plan and profile of the system showing how the drainage water is to be disposed of, and a detailed drawing of the storm water detention system.~~
- ~~11. Horizontal and Vertical Curves. Where vertical curves are required for a smooth transition, the horizontal distance shall be a minimum of 100 feet. Wherever vertical curves coincide with horizontal curves, points on the vertical curve shall be calculated to coincide with fractional arc lengths on the horizontal curve. Elevations shall be shown on all horizontal and vertical curves at approximately twenty-five foot intervals and at the points of curvature and the points of tangency.~~
- ~~12. Grade lines and topography. The minimum grade for curb and gutter shall be 0.4 percent, or 0.5 percent if FHA financed. The maximum grade shall be twelve percent. Percent of grade shall be shown on straight grades with elevations at approximately fifty-foot intervals. Flow arrows shall be shown to indicate direction of drainage.~~
- ~~13. Roadway crowns calculated on the basis of a 2.0 percent grade from the lip of gutter.~~
- ~~14. All street names and numbers. See Chapter 19.27 for specific requirements.~~
- ~~15. Roadway cross-sections.~~
- ~~16. Any existing trees that are four-inch caliper or larger that are within the right-of-way.~~
- ~~17. The existing grade elevations.~~
- ~~18. A reference to the City of Saratoga Springs Construction Standards and Specifications Manual.~~
- ~~19. Road signs and stop signs.~~
- ~~20. All proposed sanitary sewer facilities.~~
- ~~21. All proposed culinary and secondary water facilities.~~

~~— File of all plans in pdf format.~~

~~xxii. Geolocated KML file including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.~~

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

(Ord. 14-4)

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

1. All condominium projects shall receive Site Plan **and/or** Preliminary Plat approval as required by this Title. Both approvals may occur concurrently.
2. Upon approval or filing of a Site Plan **or Preliminary Plat** for a condominium project, the developer shall submit to the city a Declaration of Condominium prepared in accordance with the requirements of the Utah Code and a Record of Survey Map (also referred to as condominium plat) meeting the requirements of the Utah Code.

3. The developer may submit a condominium plat application with the Planning Director at any time after the Site Plan or Preliminary Plat for a condominium development has been approved and all necessary fees have been paid.
4. Upon receipt of an application for a condominium plat, the following process shall be followed:
  - a. The Planning Director and City staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
  - b. Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed condominium plat and submit a report to the Planning Commission at least three days prior to the meeting where the Planning Commission will review the condominium plat application.
  - c. The Planning Commission shall review the proposed condominium plat and determine whether it is in compliance with the approved Site Plan and other provisions of the City Code and any requirements imposed as a condition of that Site Plan approval.
    - i. If the proposed condominium plat complies, the Planning Commission shall approve it for signature by the Mayor, after final approval of the Development Agreement (if necessary) by City staff.
    - ii. If the proposed condominium plat fails to comply, the Planning Commission shall direct the City staff to return it to the developer, along with a written list of deficiencies.
    - iii. The Planning Commission is specifically charged with ensuring that all significant conditions required for the development have been resolved before recommending City Council action.
  - d. If the Planning Commission recommends that a proposed condominium plat be approved, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered.
    - i. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed condominium plat when the Development Agreement (if applicable) is completed and approved by City staff.
    - ii. If the City Council determines that the condominium plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed condominium plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
  - e. The City Recorder, or his or her designee, shall be responsible for recording condominium plats. The developer shall pay for all recording fees at the time of recordation. No condominium plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
5. Condominium Plats shall be prepared in accordance with all applicable titles of the Utah Code (e.g., Title 57) and all Final Plat requirements deemed necessary by City staff.

**19.12.05. Performance and Warranty Assurances.**

- 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.
- ~~d.~~ e. Where the vehicular access into a subdivision adjoins intersects an arterial road as defined in the Transportation Master Plan, driveways shall not be placed on the access intersecting road within 100' of the arterial connection as measured from edge of the arterial right of way to the nearest edge of driveway surface and shall instead be placed on interior roads to avoid vehicles backing into the stacking area for the arterial and for public safety.
- e. f. Access:
  - i. Two separate means of vehicular access onto a collector or arterial road shall be required when the following threshold is met:
    - 1. Whenever the total number of dwelling units served by a single means of access will exceed fifty.
  - ii. Exceptions: where no point of second access is available within five hundred feet (500'), and where all units are provided with an approved sprinkler system, a second access shall not be required until the number of units reaches double the above limits.
  - iii. Where two means of access are required, the points of access shall be placed a minimum of 500 feet apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way. The City Fire Chief may require a greater distance than 500 feet if:
    - 1. an essential link exists between a legitimate governmental interest and the requirement; and
    - 2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- ~~2.~~ g. Shared driveways shall be a minimum of twenty feet in width and shall direct all runoff to a public or private drainage system. All dwellings on shared driveways shall provide enclosed garages or other covered parking. Shared driveways accessing more than four dwellings shall also provide a minimum of twenty feet of parking space between the garage and shared driveway. All requirements of the Fire Code shall also be met.

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

- a. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots that would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, sanitary sewer problems, driveway grades, or other physical constraints and considerations.
- b. All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.

- c. Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria:
  - i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots;
  - ii. For subdivisions with 50 or less lots: no more than 7.5% of the total lots are allowed to be flag lots; and
  - iii. For subdivision with more than 50 lots: no more than 5% of the total lots are allowed to be flag lots.
- d. Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way. In no case may land dedicated for public roads and rights-of-way be included in the area calculation of any lots.
- e. Side property lines shall be at approximately right angles to the street line or radial to the street line.
- f. Corner lots for residential use shall be platted ten percent larger than interior lots in order to facilitate conformance with the required street setback for both streets.
- g. No lot shall be created that is divided by a municipal or county boundary line. Each property boundary line shall be made a lot line.
- h. Remnants of property shall not be left in the subdivision that do not conform to lot requirements or are not required or suitable for common open space, private utilities, public purposes, or other purpose approved by the City Council.
- i. Double access lots are not permitted with the exception of corner lots.
- j. Driveways for residential lots or parcels shall not be allowed to have access on major arterials such as Redwood Road, Crossroads Boulevard, Pioneer Crossing, and Pony Express. Exceptions may be made for large lots (at least 1 acre in size) or for lots where the home is set back over 150 feet from the arterial roadway. Approval by UDOT may be required.
- k. All subdivisions along arterial roadways shall conform to the City's requirements and adopted street cross-section including pedestrian walkways, park strips, landscaping, and fencing.

3. **Timing of Installation; Phasing.** The City permits developers to separate approved preliminary plats into phases for review, approval, and recording subject to the following conditions:

- a. Bonding for each phase is required and shall include (in addition to the requirements of 19.12.05):
  - i. improvements required for that phase;
  - ii. major off-site improvements needed for the completion of the entire approved preliminary plat; and
  - iii. subdivision-wide improvements of major importance such as neighborhood parks, trails, open space, or other neighborhood amenities that will otherwise be installed for the entire project as set forth in the development agreement, subdivision approvals, construction drawings, and approved plans.
- b. Each phase shall have at least two contiguous and paved accesses to ensure adequate circulation and access for the duration of the construction of one or more phases.

**Open space and improvements shall be provided as required under phasing in Section 19.13.**

c. \_\_\_\_\_

- a-d. Improvements must be completed within twenty-four months of recording ~~the each~~ Final Plat, unless a shorter period is otherwise provided in a development or bond agreement.
- b-e. Road access must be provided as approved by the City Engineer and Fire Department.
- e-f. Fire hydrants or alternative fire protection methods must be operational before any home construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the Building Code may also apply. Exceptions for model homes may be approved in accordance with Section 19.05.02.

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

**19.12.07. Minor Subdivision Approval Procedure.**

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

**1. Limitations.**

- a. A Minor Subdivision is a one-time process. ~~Lots created through a Minor Subdivision contained in an existing recorded subdivision plat are not eligible to apply for an additional Minor Subdivision.~~ **Lots To ensure adequate infrastructure, lots created through a Minor Subdivision contained in an existing recorded subdivision plat are not eligible to apply for an additional Minor Subdivision.**
- b. The minimum lot size for lots created through a Minor Subdivision shall be one acre, or the minimum allowed by the zone, whichever is greater.
- e. ~~Minor Subdivisions shall only be considered in the A, RA-5, RR, and R-1 [S] zones.~~
- d.c. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.

- 2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
- 3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.
- 4. **Planning Commission.** The Planning Commission shall conduct a public hearing and review the proposed Final Plat to determine whether it is in compliance with the City Code.
  - a. If the proposed plat complies, the Planning Commission shall approve the plat and authorize the Mayor to sign the plat.
  - b. If the proposed plat fails to comply, the Planning Commission shall deny the plat, or may continue the decision with direction to the City staff to return it to the developer along with a written list of deficiencies that must be corrected before the Planning Commission will authorize the Mayor to sign it.

- c. The Planning Commission is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.
5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:
- a. application form completed and application fee paid;
  - b. updated Preliminary Title Report;
    - i. The Title Report must also demonstrate that the proposed minor subdivision has not been involved in any prior minor subdivision;
  - c. ~~Minor Subdivision Plats shall conform to all of the requirements for Final Subdivision Plats layouts as provided in section 19.12.03:Minor Subdivision Plat:~~
    - i. ~~Three full-size sheets 24" x 36" and seven 11" x 17" copies shall be submitted along with a digital copy. Additional copies will be required prior to the Planning Commission meeting where the plat is scheduled for consideration.~~
    - ii. ~~Three blueprint copies of the complete construction drawings shall be submitted. The plat shall include the following:~~
      - 1. ~~Subdivision name and location.~~
      - 2. ~~Description of land to be included in the subdivision with appropriate survey ties to existing section corners.~~
      - 3. ~~The total subdivision area.~~
      - 4. ~~Width and names of existing and proposed roadways.~~
      - 5. ~~Drawing scale to be no smaller than one inch = 100 feet.~~
      - 6. ~~Lot dimensions, property line bearings and area.~~
      - 7. ~~Lot numbers.~~
      - 8. ~~Easements.~~
      - 9. ~~Street monument locations.~~
      - 10. ~~Flood plain boundaries as indicated by the Federal Emergency Management Agency.~~
      - 11. ~~Record of Survey.~~
      - 12. ~~Signature blocks per the City standard plat.~~
      - 13. ~~Lot and road addresses and addresses for each intersection.~~

(Ord. 14-4)

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

- 1. **Standards.** Owners may adjust property lines between adjacent ~~lots or parcels that are described by either a metes and bounds description or a recorded plat,~~ by exchanging title portions of those parcels after approval if:
  - a. no new dwelling lot or dwelling results from the property line adjustment;
  - b. the number of lots or parcels does not increase;
  - c. the adjoining property owners consent to the property line adjustment;

- d. the property line adjustment does not result in remnant land that did not previously exist; and
- e. the adjustment does not result in a violation of applicable zoning requirements.

~~2.~~ **Application.** The owners shall file an application requesting a property line adjustment together with all required documents.

~~2.~~

~~3.~~ **Planning Director Review.** The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above. ~~If the Planning Director determines that documents are complete and the requested property line adjustment complies with the standards set forth above,~~ the Planning Director will ~~approve~~ take action the Property Line Adjustment.

- ~~i. the Planning Director shall determine whether the amended property line adjustment plat complies with the requirements of this section and this Title; and~~
- ~~ii. the Planning Director shall approve, approve with conditions, or deny the amendment; and~~
- ~~iii. if the Planning Director 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.~~

~~3.~~

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

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

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

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

19.12.09. **Vacating or Amending a 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.

~~The Planning Commission shall follow the standards and procedures and provide the notice as required in Utah Code Chapter 10-9a for vacating or amending a plat.~~

2. **Applicability.** Owners may petition to vacate or amend a recorded subdivision plat if the petition does not affect the location or boundary of a public road or the boundary of the plat, and seeks to:

- a. join two or more of the petitioning fee owner's lots; or
- b. adjust internal lot lines between two or more of the petitioning fee owner's lots; or
- c. vacate or alter private streets, rights-of-way, easements, or alleys, or
- d. adjust internal lot restrictions subject to the standards of this Title and applicable conditions of approval for the original plat.

3. **Standards.** Plat amendments may be approved if:

- e. no new dwelling lot or dwelling results from the plat amendment; and
- f. the number of lots or parcels does not increase; and
- g. the amendment does not result in remnant land that did not previously exist; and
- h. the amendment does not violate conditions of approval for the original plat; and
- i. the amendment does not result in a violation of applicable zoning requirements; and
- j. if all requirements of Utah Code Chapter 10-9a are met.

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

- a. Application form, applicant certification, and paid application fee.
- b. ~~Amended Plat~~ that conforms to all of the requirements of a Final Plat as provided in section 19.12.03.
- c. Data table including
  - i. total project area
  - ii. total number of lots, dwellings, and buildings  
~~square footage of proposed building footprints and, if multiple stories, square footage by floor~~
  - 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).

~~Amended plats shall be detailed in ink on reproducible Mylar sheets that are 24" x 36". Three full-size 24" x 36" sheets and five 11" x 17" copies shall be submitted. Additional copies will be required prior to the Planning Commission meeting where amended plats are scheduled for consideration.~~

~~Amended plats shall be in the standard form as maintained by the City Engineer.  
All amended plats shall include (or be accompanied by) the following:  
Amended subdivision name and location.  
Description of land to be included in the amendment with appropriate survey ties to existing section corners.  
The total amended area.  
Width and names of existing and proposed roads.  
Drawing scale to be no smaller than one inch = 100 feet.  
Lot dimensions, property line bearings, and area, including graphic demonstration of items to be amended.  
Building envelope shown on each lot where slopes are greater than ten percent.  
Lot numbers.  
Easements.  
Street monument locations.  
Fire hydrant locations (every 500 feet).  
Irrigation plans.  
Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).  
Boundary fences.  
Flood plain boundaries as indicated by the Federal Emergency Management Agency.  
Certificate of Survey.  
Signature blocks per the City standard plat.  
Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27 and be cleared by the City GIS department.  
Data table including  
total number of lots, dwellings, and buildings  
square footage of proposed buildings by floor  
number of proposed garage parking spaces  
number of proposed parking spaces  
percentage and acreage of buildable land  
percentage and acreage of sensitive lands  
percentage and acreage of open space or landscaping  
net density of dwellings by acre.  
Any and all notes listed on the approved City standard plat.  
— Any and all notes necessary to implement conditions of approval. A copy of the Utah County plat map showing ownership and parcel numbers.~~

d. ~~File of all plans in pdf formatpdf format.~~

e.

f. ~~Geolocated KML file including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.~~

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

**6. Land Use Authority.**

d. The Planning Director is hereby designated as the land use authority for plat amendments involving only lot combinations or lot line adjustments, and plat amendments required to formalize a variance that has been granted by the Hearing Examiner.

a.

b. The Planning Commission is hereby designated as the land use authority for all other ~~other~~ plat amendments and vacations that do not affect a public road.

c. The City Council is hereby designated as the land use authority for all plat amendments and vacations that affect a public road, per Section 19.12.10.

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

k. For plat amendments where the Planning Director is the Land Use Authority, if the Planning Director determines that documents are complete the Planning Director shall take action on the application.

i. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and

ii. the Planning Director shall approve, approve with conditions, or deny the amendment. ~~the Planning Director shall determine whether the amended plat complies with the requirements of this section and this Title;~~

~~the Planning Director shall approve, approve with conditions, or deny the amendment; and~~

~~if the Planning Director 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.~~

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

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

a. For amendments where the Planning Commission is the Land Use Authority:

i. the Planning Commission shall determine whether the amended plat complies with the requirements of this section, this Title, and Chapter 10-9a of the Utah Code;

ii. the Planning Commission may approve, approve with conditions, or deny the amendment; and

iii. if the Planning Commission approves an amended plat, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.

**b. Public Hearing.**

i. A public hearing shall not be held all the property owners in the plat sign the amendment.

ii. Notice. Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4. The applicant shall pay the cost to post and provide notice to all property owners within 300 feet of the application, prior to final approval.

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

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

1. **Vacating Public Streets, Rights-of-Way, Easements, or Alleys.** The City Council shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.
2. **Altering Public Streets, Rights-of-Way, Easements, or Alleys.** This Subsection shall only apply if a subdivision plat is not being amended and no portion of a public street, right-of-way, easement, or alley is being vacated. Amending street or road names are not considered an alteration.
  - a.c. **City Council Review and Determination.** The City Council is hereby designated as the land use authority to consider the alteration of any portion of a public street, right-of-way, easement, or alley. The City Council may, with or without a petition or request, alter any public street, right-of-way, easement, or alley whether within a subdivision or not, following the procedures set forth below:
    - i. the City Council shall hold a public hearing after providing notice as set forth hereafter;
    - ii. the City Council shall determine whether good cause exists for the alteration;
    - iii. the City Council may approve, approve with conditions, or deny the alteration; and
    - iv. if the City Council alters any portion of a public street, right-of-way, easement, or alley, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.
  - b.d. **Notice.** Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4.

**Chapter 19.13. Development Review Processes.**

**Sections:**

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

**19.13.01. Purpose.**

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

**19.13.02. General Considerations.**

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

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

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

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

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

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

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

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

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

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

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

**a. Neighborhood Meeting:**

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

**b. Neighborhood Canvas:**

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

3. Submittal of Application.

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

4. Notice of Public Hearings.

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

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

#### 5. Decision of Planning Director.

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

#### ~~5.6.~~ Decision of Planning Commission.

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

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

**7. Decision of City Council for Administrative Decisions.**

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

**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.**

~~6.~~ 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.

a.

**19.13.05** Concept Plan Process.

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

the previous Concept Plan.

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

~~The developer shall provide a schematic drawing of the proposed project that depicts the area of the proposed project, air and ground transportation corridors within two miles, and the general relationship of the proposed project to the Land Use Element of the General Plan and the surrounding area.~~
- 3.4. The Concept Plan review is intended to provide the developer with an opportunity to receive input on a proposed development prior to incurring the costs associated with further stages of the approval process. This review does not create any vested rights to proceed with development. Developers should anticipate that the City may raise additional issues ~~in further stages~~ not addressed at the Concept Plan stage.
- 4.5. The following items shall be submitted for a Concept Plan review:
  - iii.a. A completed application and affidavit, form, and application fee.
  - iv.b. Plat/Parcel Map of the area available at the Utah County Surveyor's Office.
  - v.c. Legal description of the entire proposed project. ~~Parcel number and ownership.~~
  - vi.d. Proposed changes to existing zone boundaries, if such will be needed.
    - ~~Existing conditions including drainages, contours, wetlands, wells, septic systems, buildings, utilities, and other conditions of the property.~~
    - ~~General utility schematic including drainage, sewer, culinary and secondary water connections, and other utilities needed to service the proposed development.~~
    - ~~The developer shall provide a schematic drawing of the proposed project that depicts the area of the proposed project, air and ground transportation corridors within two miles, and the general relationship of the proposed project to the Land Use Element of the General Plan and the surrounding area.~~
  - e. Conceptual elevations and floor plans, if available.
  - vii. ~~Open space and sensitive lands plan, including acreages, locations, and percentages of each, and conceptual recreational amenities.~~
  - viii.f. Concept Plan Map: ~~three~~ ~~Five~~ ~~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 ~~twoseven five~~ 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.
- 2.
- Locations and widths of existing and proposed streets and right-of-ways.
- iii.
  - iv. Parcel number and ownerships within and adjacent to project.
- ix. ~~Parcel number and ownership.~~
- 1.v. Road centerline data including bearing, distance, and curve radius.
  - 2.vi. Configuration of proposed lots with minimum and average lot sizes.
  - vii. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use including acreages, locations, and percentages of each and conceptual plan of proposed recreational amenities.
  - viii. Those portions of property that qualify as sensitive lands per Section 19.02.02, including acreages, locations, types, and percentages of total project area and of open space.
  - ix. Total acreage of the entire tract proposed for subdivision.
  - x. General topography shown with 1' or 2' contours and slope arrows with labels.
  - xi. North arrow, scale, and date of drawing.
  - xii. Property boundary with dimensions.
  - xiii. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage and amount of open space or landscaping, and net density of dwellings by acre.
  - xiv. Existing conditions and features within and adjacent to the project area including roads, structures, drainages, wells, septic systems, buildings, and utilities.
  - xv. Conceptual utility schematic with existing and proposed utility alignments and sizes sufficient to show how property will be served including drainage, sewer, culinary and secondary water connections and any other existing or proposed utilities needed to service the proposed development or that will need to be removed or relocated as part of the project.
- 3.
- 4. Proposed future drainage scheme.
  - 5. Those portions of property that qualify as sensitive lands per Section 19.02.02.
  - 6. Total acreage of the entire tract proposed for subdivision.
  - 7. General topography.
  - 8. North arrow, scale, and date of drawing.
  - 9. Property boundary with dimensions.
  - g. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage and amount of open space or landscaping, and net density of dwellings by acre. A schematic drawing of the proposed project that depicts the existing proposed transportation corridors within two miles, and the general relationship of the proposed project to the Transportation and Land Use Element of the General Plan and the surrounding area.

h. File of all submitted plans in pdf format.

10.

5. File of all submitted plans in pdf format.

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

1. The City has established an Urban Design Committee that may consist of persons appointed by the City Council at its discretion including one professional Architect, one professional builder, at least two City residents, one member of the Planning Commission, one City Council Member, one developer, and City staff members as assigned.
2. The Urban Design Committee is required to review architectural plans and design standards for any new construction within the City of Saratoga Springs except for Single-Family Dwellings. The Committee shall make specific recommendations to the Planning Director, Planning Commission, and City Council regarding Architectural plans and design standards.
3. The Urban Design Committee shall propose detailed Architectural design standards and guidelines that developers and applicants shall comply with. These may be adopted by the City Council through resolution or ordinance and are available for reference through the Planning Department.
4. No final subdivision plats, final Site Plans, commercial Site Plans, or other Conditional Uses that will result in the new construction of commercial, multifamily, attached housing, two-family structures, and three-family structures shall be approved by the City Council until a recommendation is received from the Committee.
- 4.5. The Urban Design Committee is a recommending body only and shall not make final decisions.

### **19.13.07. Change of Use Permit<sup>[8]</sup>**

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

If the new use is of a different type and has a higher parking requirement, the new parking requirements shall be met.

c. Increased parking requirements or external changes to the site or structure for the new use shall require a site plan amendment. [9]

d.

4. The Planning Director shall follow the process outlined in 19.13 for decisions of the Planning Director.

### 19.13.0608. Development Agreements.

1. **In General.** Each development request, except for Home Occupations, major grading permits, and minor subdivisions, must have a development agreement and bond agreement approved by the City Attorney and City staff. The City Council may determine that a development agreement is not required, but in all cases a bond agreement shall be required. A development agreement is not required when conditions, requirements, findings, and recommendations are all consistent with Title 19 requirements unless the City Council, in exercising its legislative authority pursuant to Utah Code § 10-9a-102, determines that a development agreement is necessary to further the public health, safety, or welfare or any other legitimate purpose outlined in Utah Code § 10-9a-102(1). The City Attorney may provide a standard form for a development agreement that includes many of the most common provisions to facilitate efficiency in the preparation and execution of development agreements.
2. **Contents of Development Agreements.** Development agreements shall, at a minimum, include the following:
  - a. any condition, requirement, and finding made by the Planning Commission and City Council, including required improvements of each phase of development;
  - b. a copy of the Final Plat document, record of survey or legal description, **Preliminary Plat and phasing plan**, or Site Plan as applicable;
  - c. a description of all required improvements, including parks and trails, and an estimate by the City Engineer of their cost, unless only a bond agreement is required per Sections 19.12.05 and subsection (1) above;
  - d. the following unless contained in a bond agreement under Section 19.12.05:
    - i. a schedule for completion of the required improvements;
    - ii. a process by which the City may, if necessary, complete required improvements using the guarantee provided;
  - e. provisions defining required maintenance activities which include, but are not limited to, general upkeep of landscaping, sidewalks, streets, parks, and utility infrastructure, as well as the repair of such facilities as needed and as may be required by the City during or near the end of the maintenance period. These activities may also be specifically defined in the development agreement;
  - f. a process by which the development agreement may be transferred, with City approval, to the developer's successors;
  - g. a statement that provides that the development agreement and the vested rights it confers shall be void if the developer breaches the agreement.

- h. a statement that provides that in the event the developer fails to comply with the terms of the agreement, the City may withhold approval of building permits within the project;
- i. a statement that provides for dedication to the City of right-of-ways to adjacent properties and construction of temporary cul-de-sacs as needed to ensure adequate egress from stub streets;
- j. declaration of covenants and restrictions, declaration of condominium;
- ~~j-k.~~ ~~or~~ applicable Architectural elevation plans;
- ~~k-l.~~ special conditions relating to the timing of certain improvements, lot design, performance standards, necessary off-site conditions or improvements, conditions relating to shared open space or parks, special circumstances due to location of utilities, physical characteristics of the subject property, or other conditions identified within the development agreement; and
- ~~l-m.~~ any additional requirement that the City Council deems necessary to meet the requirements of this Title and to further the purposes in Utah Code § 10-9a-102(1).

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

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

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

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

~~4-6.~~ **Reserved Legislative Powers.** Except for the developer's vested rights, development agreements shall not limit the future exercise of the police powers of the City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation, and other land use plans, policies, ordinances, and regulations after the date of the agreement. However, the developer's vested rights may be affected under facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine as set forth in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1988), or successor case law or statute. Any such proposed change affecting developers' vested rights shall be of general applicability to all development activity in City. Unless the City declares an emergency, the developer shall be given prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the property.

### 19.13.0709. Improvements Required.

- 1. For the purposes of this Chapter, required improvements for all developments shall include (when applicable), but are not limited to, the following:

maintenance obligations are not promptly assigned to the community association, the developer may be required to post a maintenance bond to ensure that the improvements are maintained until such time as the community association assumes maintenance obligations.

6. **Project Documents.** The developer shall submit the proposed declaration of covenants, conditions, and restrictions, condominium declarations, articles of incorporation, and by-laws for the community association for review and approval by the City attorney, and those documents shall be recorded before or concurrent with the recording of the Final Plat.
7. **Developed and Landscaped Open Space Maintenance.** The maintenance of any developed or landscaped open space required for compliance with this ordinance shall include, but not be limited to: upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. All open space shall be maintained by a homeowner's association (see Section 19.13.06) if such open space is not a part of the City's capital facilities plan or impact fee facilities plan.
8. **Maintenance of Landscaping.** Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function and, as much as reasonably possible, original appearance of the landscaped area. Sufficient water rights for the maintenance of landscaped areas shall be dedicated to or purchased from the City.

**9. Phasing Improvements.** If the construction of various portions of the a project is proposed to occur in stages, then the ~~open space, landscaping, and recreational facilities shall be developed in proportion to the number of dwellings and buildings intended to be developed during any stage of construction. A phasing plan, including size and order of each phase, funding mechanism, and responsible parties, shall be approved by the City Council.~~ <sup>10</sup> 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.
- ~~9.c.~~ A perpetual instrument running with the land shall be recorded against the entire project prior to or concurrently with the recordation of the first plat, that includes the standards, location, funding mechanism, values, and timing for all open space, recreational facilities, amenities, open space easements, and other improvements. An open space plat, conservation easement, development agreement, or other perpetual instrument may qualify as determined by the City Attorney.

#### **19.13.0810. Master Development Agreements.**

1. **Purpose of Master Development Agreement Process.**
  - a. The Master Development Agreement process is established to provide a mechanism for the following:

- 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;
- ~~e.~~ statements or maps indicating how the proposed master plan will comply with the City's open space and parks and recreation regulations;
- ~~p.~~ **a list of property owner's names and addresses within 300 feet of the subject property, together with the postage necessary to mail first class letters to each of the property owners on the list; and**
- ~~q.~~ 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<sup>111</sup>.** A Master Development Agreement may be amended upon agreement of all parties.

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

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

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

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

- 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, (a) the developer shall pay to the City (a) the land value, (b) estimated cost of the open space improvements based upon an average per-square-foot cost of the improvements for the ~~three~~six most recent City parks with the highest and lowest park removed, and (c) estimated water **rights** costs before any subdivision plats will be recorded.**
- g. Upon receipt of the payment, the City shall deposit those funds in an account that has been established for the purchase of park lands, the construction of parks and recreation improvements, or for upgrading **or repairing** existing park facilities. The City may expend the Payment in Lieu of Open Space funds at its discretion so long as they are only used for the purchase of parks, construction of parks and recreation improvements, or for upgrading **or repairing** existing parks facilities.
- h. The City and developer may also agree to make other arrangements for the Payment in Lieu of Open Space if acceptable terms can be reached, but in no case shall the value of the Payment be less than the expected appraised value, estimated cost of open space improvements, and estimated water costs as described herein.

#### 6. **Voluntary Participation.**

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

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

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

#### 19.14.04. Urban Design Committee Requirements.

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

**2. 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.

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

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

**7.8. Parking Lot, Building, and Street Lighting.** <sup>[12]</sup> All Site Plans shall conform to the lighting requirements established in Chapter 19.11 of this Title.<sup>[13]</sup>

~~a. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties.~~

~~a. Pole mounted fixtures are required for street lighting.~~

~~b. Lighting of all pedestrian pathways is recommended.~~

~~b. Lighting will be judged <sup>[14]</sup> <sup>[15]</sup> as to how adequately it meets its intended purpose.~~

~~a. Design and location of standards and fixtures shall be specified on the site development drawings.~~

~~b. Intensities shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas.~~

~~c. All streetlights and interior parking lot lights shall meet the City’s adopted design standards for lighting.~~

**19.14.05. Special Provisions.**

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

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

**19.14.06. Application.**

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

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

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

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

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

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

~~1.g. Site Plan-Final Construction Drawings~~ containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide ~~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 A-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 S Site Plan application shall also contain the following<sup>[16]</sup>:~~

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

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

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

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

j. **Data table** including

i. total project area

ii. total number of lots, dwellings, and buildings

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

iv. number of proposed garage parking spaces

v. number of proposed surface parking spaces

vi. percentage of buildable land

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

viii. area and percentage of open space or landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Considerations Relating to Traffic Safety and Traffic Congestion:

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

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

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

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

**c. New site plans shall follow the process below:**

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

**d. Amended site plans shall follow the process below:**

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

⊖:

**19.14.07. Issuance of Building Permit.**

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

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

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

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

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

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

**Chapter 19.15. Conditional Use Permit.**

**Sections:**

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

**19.15.01. Purpose.**

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

**19.15.02. Conditional Use Permit.**

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

**3. Accompanying Data.**

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

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

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

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

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

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

### 19.15.03. Approval Process.

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

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

~~1.~~ Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Department shall place the **Conditional Use application and related Site Plan application** on the next available Planning Commission agenda for a public hearing ~~as outlined by application deadlines established by the Planning Department.~~

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

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

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

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

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

#### 19.15.04. Determination.

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

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

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

1. The siting of the structure or use, and in particular:
  - a. the adequacy of the site to accommodate the proposed use or building and all related activities;
  - b. the location and possible screening of all outdoor activities;
  - c. the relation of the proposed building or use to any adjoining building with particular attention to protection of views, light, air, and peace and quiet;
  - d. the location and character of any display of goods and services; and
  - e. the size, nature, and lighting of any signs.
2. 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 **City Council/land use authority** may attach conditions to ensure compatibility with the surrounding area and to mitigate harmful effects. Such conditions may include the following:

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

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

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

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

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

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

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

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

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

**7. Public & Private Utility Building or Facility.** 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. Where above-ground structures will be located within or adjacent to a residential development, the site shall be fully screened with a minimum six-foot tall solid wall or fence set back a minimum of five feet from the side and rear property lines, and meeting the front setback requirement for the zone.
- b. Landscaping shall be placed along the exterior of the site at the foot of any required wall; the interior of the site within required solid walls shall be exempt from landscaping requirements.
- f.c. All site lighting shall be downward directed and fully shielded.

### **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 authorityCity Council**.
- c. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.

#### **3. Conditions Relating to Environmental Concerns.**

- a. Limitations and restrictions on the use and location of uses in sensitive lands.
- b. Processes for: the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
- c. The planting of ground cover or other surfacing to prevent dust and erosion.
- d. Restructuring of the land and planting of the same as directed by the Planning Commission when the Conditional Use involves cutting or filling the land, and where such land would be adversely affected if not restructured.

4. **Conditions Relating to Compliance with the Intent of the General Plan and Land Use Ordinances and Characteristics of the Vicinity or Neighborhood.**
- a. The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this Title.
  - b. The screening of yards or other areas as protection from obnoxious land uses and activities.
  - c. Landscaping to ensure compatibility with the intended characteristics of the zone as outlined in this Title.
  - d. Limitations or controls on the location, heights, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or unsightly development.
  - e. The relocation of proposed or existing structures as necessary to provide for future streets on the Transportation Master Plan of Saratoga Springs, adequate sight distance for general safety, groundwater control, or similar problems.
  - f. Provision for, or construction of, recreational facilities necessary to satisfy needs of the Conditional Use.
  - g. Population density and intensity of land use limitations where land capability or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.
  - h. Other improvements which serve the property in question and which may compensate, in part or whole, for possible adverse impacts to the zone from the proposed Conditional Use.

**19.15.08. Inspection.**

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

**19.15.09. Time Limit.**

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

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

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE SARATOGA SPRINGS LAND DEVELOPMENT CODE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Title 19 of the City of Saratoga Springs Code, entitled “Land Development Code” was enacted on November 9, 1999 and has been amended from time to time; and

**WHEREAS**, the City Council and Planning Commission have reviewed the Land Development Code and find that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

**WHEREAS**, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

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

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

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

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

**SECTION I – ENACTMENT**

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 shall remain the same.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply

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

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

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

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this \_\_\_ day of \_\_\_\_\_, 2014.

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
Lori Yates, City Recorder

\_\_\_\_\_  
Date

**VOTE**

Shellie Baertsch	_____
Rebecca Call	_____
Michael McOmber	_____
Stephen Willden	_____
Bud Poduska	_____



**Preliminary Plat and Rezone**

**Sail House**

**October 21, 2014**

Report Date:	Tuesday, October 14, 2014
Applicant:	Paul Watson
Owner:	Western States Ventures, LLC
Location:	Approximately 4500 South Redwood
Major Street Access:	Redwood Road
Parcel Number(s) & Size:	16:003:0025, 57.955 acres
Parcel Zoning:	Agriculture (A), pending RR zone
Adjacent Zoning:	R-3 and PC (undeveloped Teguayo to the west)
Current Use of Parcel:	Vacant
Adjacent Uses:	Vacant (undeveloped Teguayo is to the west across Redwood)
Previous Meetings:	Concept Plan / Rezone: PC Hearing 2/13/2014; CC Hearing 3/4/2014 Preliminary Plat: PC Hearing 10/9/2014
Previous Approvals:	Rezone to RR – Continued until accompanied by Preliminary Plat
Land Use Authority:	City Council
Future Routing:	City Council
Author:	Kimber Gabryszak, Planning Director

**A. EXECUTIVE SUMMARY:**

The applicant, Paul Watson on behalf of the property owner, is requesting approval of a Preliminary Plat for the 41-lot Sail House subdivision. The applicant is proposing a gated community of one-acre lots, on private roads, utilizing septic systems.

The applicant is also requesting finalization of the previously requested Rezone from A to RR. The Council held a public hearing on March 4, 2014 and continued their decision until review of the Preliminary Plat (minutes attached).

**Staff Recommendation:**

Staff recommends that the City Council conduct a public hearing, take public input, and choose from the options in Section I of this report. Options include approval with or without modification, continuance with direction on information needed to render a decision, or denial.

**B. BACKGROUND:**

There are no previously approved applications on the subject property. The applicants have chosen to pursue approvals for a large-lot subdivision for the site.

The Concept Plan and related Rezone applications were reviewed by the Planning Commission on February 13, 2014, and by the City Council on March 3, 2014. At the March 3 meeting, the Council voted to continue the rezone decision until accompanied by the preliminary plat. Minutes are attached in Exhibit 5.

**C. SPECIFIC REQUEST:**

The applicant is requesting approval of a 41-lot subdivision consisting of one-acre lots served by septic systems, an increase of one lot from the concept plan. The property includes land adjacent to Utah Lake, and land adjacent to Redwood Road. All lots are a minimum of one acre.

The applicant originally requested consideration of a road cross-section that was not permitted in the City standards. The applicant suggested that the City adopt an additional private road standard for “rural roads” that does not include curb and gutter, and that is restricted to the A, RA, and RR zones. The City has since adopted a rural road standard similar to that proposed by the applicant, with additional requirements such as an adjacent trail. The application complies with the new City standard.

The proposed subdivision will be served by septic systems, rather than connecting to the City’s wastewater system. Septic systems are a unique request, and Staff’s analysis is outlined in Section F of this report.

Community amenities include a proposed trail on a berm along Utah Lake, a 75’ wide drainage corridor and trail, and open space along the lake. A clubhouse parcel that was originally proposed has become an additional development lot.

The applicants also propose a gated community, with no street connectivity to the potential future developments to the north and south. Staff strongly encouraged the applicant to provide street connectivity; the applicants have provided trail connections and request that the Council consider these pedestrian connections sufficient.

**D. PROCESS**

**Preliminary Plat**

Per Section 19.13, the process includes review by the Development Review Committee, a public hearing and recommendation by the Planning Commission, and final decision by the City Council.

The DRC has reviewed the plan and provided corrections. The applicants have resubmitted a revised plat that complies with all required corrections.

The Planning Commission held a public hearing on October 9, 2014. Due to the cancellation of the November 4, 2014 Council meeting for elections, the application has been scheduled for the Council meeting immediately following the Commission recommendation, compressing the time between meetings. As a result, Commission minutes will not be available in time for the Council discussion. A report of action from the Planning Commission meeting has been prepared and is attached.

**E. COMMUNITY REVIEW:**

The Planning Commission meeting was noticed as a public hearing in the *Daily Herald*, and mailed notice sent to all property owners within 300 feet at least 10 days prior to their meeting. For the City Council, the preliminary plat process does not require a hearing, and the public hearing for the rezone was also previously held. Therefore, no hearing is required at this meeting.

**F. REVIEW:**

**Septic Tanks**

The applicants propose use of septic tanks for the development. Staff has contacted the Utah County Health Department, which regulates septic tanks in the County, and also researched State law concerning the proposal.

As a result of this research, the City Code was amended in June 2014 to permit septic systems. Standards include a minimum lot size of one acre, limitation to the A, RA, and RR zones, and protection of the lake through separation requirements.

Staff recommends Health Department approval of the wastewater systems prior to final plat recordation be a condition of approval. A note is also being placed on the plat to put property owners on notice that at the time of construction, they must comply with Health Department requirements in place at time of construction.

**Engineering comments**

The applicants have provided a water study and infrastructure plans, which have been reviewed by the City Engineer. The water study indicates that an additional source of secondary water would be necessary to support the proposal, as the current secondary water supply is not adequate to maintain adequate pressures. The City Council could consider allowing the use of culinary water for secondary water uses such as landscaping, however the City Engineer is not in support of this option as it significantly decreases the available culinary water available in the Zone 2 system. A list of additional conditions and requirements are included in Exhibit 4.

**G. GENERAL PLAN:**

The site is designated partially as Low Density Residential on the adopted Future Land Use Map, and partially as Mixed Lakeshore.

The General Plan states that areas designated as Low Density Residential are *“designed to provide areas for residential subdivisions with an overall density of 1 to 4 units per acre. This area is to be characterized by neighborhoods with streets designed to the City’s urban standards, single-family detached dwellings and open spaces.”*

With one acre lots, the Preliminary Plat shows that the property can be developed in a way that is consistent with this use in the General Plan.

The General Plan states that the Mixed Lakeshore designation *“guides development patterns at key locations along the Utah Lake Shoreline. This designation accommodates a wide range of land-uses so long as those land uses are combined and arranged to create destination-oriented developments that take full advantage of the scenic and recreational opportunities that their lakeshore locations provide. Appropriate mixtures of land-uses would include retail, residential, and/or resort properties. Low Density Residential, Medium Density Residential and Neighborhood Commercial land uses would be considered appropriate for this land use designation.”*

The applicant has requested low density residential, and is developing in accordance with this category, which is an appropriate land use in this designation.

## H. CODE CRITERIA:

### REZONE

Rezoning is a legislative decision, therefore the Council has significant discretion when making a decision on a rezoning request. The criteria contained in Section 19.17.04 of the Code, outlined below, are not binding and may act as guidelines when making a decision.

Section 19.17.04 outlines the requirements for a rezoning, and states:

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;  
**Complies.** *The application conforms to the Low Density Residential category identified in 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;  
**Complies.** *The proposal keeps low density development an option, and with appropriate conditions and management, no negative impacts will occur.*
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  
**Complies.** *The intent of the RR zone is to carry on the rural character of Saratoga Springs. The City is mostly low to medium density development, however there are few locations where true low density can occur. This proposal allows consideration of a true low density development.*
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.  
**Complies.** *With appropriate conditions to ensure that the water system is not impacted, that the septic systems are managed appropriately, and that sewer connection is required at a future date when it becomes available, the interests will be balanced.*

### PRELIMINARY PLAT

#### **19.04, Land Use Zones**

- RR zone. Max density 1 unit per acre. Complies.
- Use – complies. Single Family, permitted.
- Density – complies. 41 lots, 0.725 units per acre.
- Setbacks – complies. Front 35' (both street lines on corner), Side 12', Rear 25'
- Lot width, depth, size, coverage – Complies. Minimum of 1 acre, 100' width.
- Dwelling/Building size – complies. Verified at time of building permit.
- Height – complies. Will be verified at time of building permit.
- Open Space / Landscaping – complies. No requirement.
- Sensitive Lands – Complies.
  - Density – complies. Identified and not calculated into density.
  - Encroachments into lots have been addressed.

- Trash – complies. Addressed on each lot.

#### **19.05, Supplemental Regulations**

- Flood Plain – complies. No lots in flood plain
- Water & sewage – complies. Septic & City Water per Engineering requirements
- Transportation Master Plan – See Engineering comments.
- Minimum height of dwellings – complies. Will be verified at Building Permit.
- Property access – complies.

#### **19.06, Landscaping and Fencing**

- May need to verify with US Army Corps that proposed plantings in drainage is acceptable. Condition at time of Final Plat.
- Landscaping Plan – provided.
- Planting Standards & Design – complies.
- Amount – complies. No required open space so no required amount.
- Additional Requirements – complies. Landscaping will be required on a per-lot basis.
- Fencing & Screening – Complies. Previous issues with privacy fencing have been corrected to reflect semi-private along the Lakeshore Trail.
- Clear Sight Triangle – complies. Verified through building permit.

**19.09, Off Street Parking** – complies. Provided on each lot. Minimum 20’ driveway.

#### **19.12, Subdivisions**

- Layout, lot design, phasing – **Issues.**
  - **Required to have connectivity to other neighborhoods.** 19.12.06.1.c. states: *“The City will require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.”*
  - The applicants desire a gated community and as a result only one access is provided, with no connectivity to north and south. Due to the word “and” in the requirement, Staff strongly recommends that a street connection be required. Staff recommended during Concept Plan that the developer consider extending one of the internal roads to the subdivision edge to the north to provide the potential for additional connection to future adjacent development.
  - Barring a full movement connection, as the applicant desires a gated community, potential solutions include:
    1. The provision of a road with an emergency gate to the north, or the provision of a road easement to the north for potential future connectivity, and
    2. The provision of a public trail connection through the cul-de-sac to the north. (A large trail corridor is already provided to the South.)
  - **Council discussion is requested.**
  - The Planning Commission discussed this topic at their October 9, 2014 hearing, and included a condition that connectivity be provided to the north and south per the code requirements, and did not specify locations for these connections. They expressed support for a road connection

with emergency gates, however left the decision regarding connectivity specifics up to the Council and applicant. The report of action from their meeting is attached.

- Block length – complies.
- Access – complies. Less than 50 lots on one access.
  - The proposal does include one access onto Redwood Road, which will require UDOT approval.
  - The Planning Commission requested design information on the gate and entry area at time of Final Plat, to ensure adequate space for vehicles to safely access the gate and turn around if necessary.
- Pending requirement for no driveways next to Redwood – complies. Driveway access has been prohibited on Sail House Drive per recommendations during Concept plan process.

#### **Section 19.13, Process**

- General Plan – complies. Low Density Residential.
- Natural Features – complies, preserved where possible.

#### **19.25, Lake Shore Trail – Complies.**

- Provided along shore of lake.

#### **19.27, Addressing – Minor Changes Needed.**

- Previous road name spelling issue has been corrected.
- Remaining duplicate names (same names for court, street, etc.) will be changed.

#### **Other:**

- **Slopes** – there is potential for slopes over 30% to be disturbed. The City Engineer is ensuring that Code compliance is met. Pending State approval the Canal is to be filled in, removing most of the sensitive lands from the site.
- **Wastewater** – the proposal includes the use of septic systems. As proposed, they comply with City Code standards including 100' setback from Utah Lake, minimum lot size, and appropriate zone district.

#### **I. Recommendation and Alternatives:**

Staff recommends that the City Council discuss the application and choose from the options below.

#### **Option 1, Approval, Staff Recommended**

“I move to **approve** the rezone of the ~57.955 acre parcel 16:003:0025 from Agriculture to Rural Residential, as identified in Exhibit 1, with the Findings and Conditions below:”

#### **Findings**

1. The rezone is consistent with Section 19.17.04 of the Code as outlined in Section H of this report. Specifically:
  - a. The rezone will conform to the Land Use Element and other provisions of the General Plan as it meet the Low Density Residential category identified in the General Plan.
  - b. the proposed zone change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public as it makes low density development an option, and with appropriate conditions and management, no negative impacts will occur.
  - c. the proposed zone change will more fully carry out the general purposes and intent of

this Title and any other ordinance of the City, as the intent of the RR zone is to carry on the rural character of Saratoga Springs. The City is mostly low to medium density development, however there are few locations where true low density can occur. This proposal allows consideration of a true low density development.

- d. With appropriate conditions to ensure that the water system is not impacted, that the septic systems are managed appropriately, and that sewer connection is required at a future date when it becomes available, community interests will be better served by making the proposed change.

“I also move to **approve** the Sail House preliminary plat on parcel 16:003:0025, as shown in Exhibit 3, with the Findings and Conditions below:”

**Findings**

- 1. With appropriate conditions, the preliminary plat complies with the requirements of Section 19.04, Land Use Zones, as outlined in Section H of this report.
- 2. The preliminary plat complies with the requirements of Section 19.05, Supplementary Regulations, as outlined in Section H of this report.
- 3. The preliminary plat complies with the requirements of Section 19.06, Landscaping and Fencing, as outlined in Section H of this report.
- 4. The preliminary plat complies with the requirements of Section 19.09, Off Street Parking, as outlined in Section H of this report.
- 5. The preliminary plat complies with the requirements of Section 19.12, Subdivisions, as outlined in Section H of this report, and through the modification to the site to provide a connection.
- 6. The preliminary plat complies with the requirements of Section 19.25, Lake Shore Trail, as outlined in Section H of this report.

**Conditions:**

- 1. All requirements of the City Engineer shall be met as outlined in Exhibit 4.
- 2. Connectivity shall be provided to the north and south according to Code requirements.
- 3. Health Department feasibility approval for the septic systems shall be provided prior to Final Plat approval.
- 4. Final Plat approval shall not be given until such time as the secondary water availability issue is resolved.
- 5. Design of the gate and entry shall be provided at time of Final Plat, ensuring adequate space and design for vehicles to turn around.
- 6. The duplicate road names shall be corrected according to Code Section 19.27.
- 7. Any other conditions added by the Council. \_\_\_\_\_

**Option 2, Continuance**

If the Council needs additional information, the item may be continued to another meeting.

“I move to **continue** the preliminary plat and rezone to another meeting, with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

5. \_\_\_\_\_

**Option 3, Denial**

The Council may also choose to deny the applications.

“I move to **deny** the rezone of the ~57.955 acre parcel 16:003:0025 from Agriculture to Rural Residential, as identified in Exhibit 1, with the Findings and Conditions below:”

**Findings**

1. The rezone is not consistent with Section 19.17.04 of the Code as articulated by the Council. Specifically:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

“I also move to a **deny** the Sail House preliminary plat on parcel 16:003:0025, as shown in Exhibit 3, with the Findings below:

1. The application does not meet the Code criteria in Section [19.04, 19.05, 19.09, 19.12, 19.13, 19.25, 19.27] as articulated by the Council. Specifically:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_

**J. Exhibits:**

- |   |               |
|---|---------------|
| 1. Location & Zone Map                                  | (page 9)      |
| 2. Concept Plan   | (page 10)     |
| 3. Preliminary Plat                                     | (pages 11-12) |
| 4. City Engineer’s Report                               | (pages 13-15) |
| 5. March 4, 2014 City Council Minutes                   | (pages 16-17) |
| 6. October 9, 2014 Planning Commission Report of Action | (pages 18-20) |

# Sail House Subdivision Zoning & Location

Exhibit 1  
Location / Zone



S:\GIS\Maps\Planning\_Dept\Zoning\SailHouse\Zoning.mxd





LAND SOLUTIONS PARTNERS  
HARBOR POINT LLC  
16-003-0034  
670 W Shepard Lane  
Farmington, UT 84025  
Found Existing 5/8" Rebar  
& Cap 0.21" West of  
Property Corner

LIGHTHOUSE COVE  
DEVELOPMENT, INC.  
16-003-0008  
1626 Park Pl  
Park City, UT  
PO Box 981014  
N 89°55'55" E 1660.92'

**SAIL HOUSE PHASE 1**  
LOCATED IN  
EAST 1/2 OF SECTION 19 TOWNSHIP 6 SOUTH, RANGE 1 EAST/  
AND SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
SARATOGA SPRINGS, UTAH

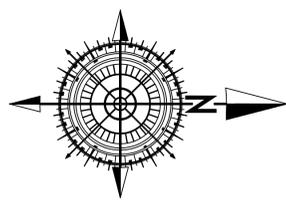
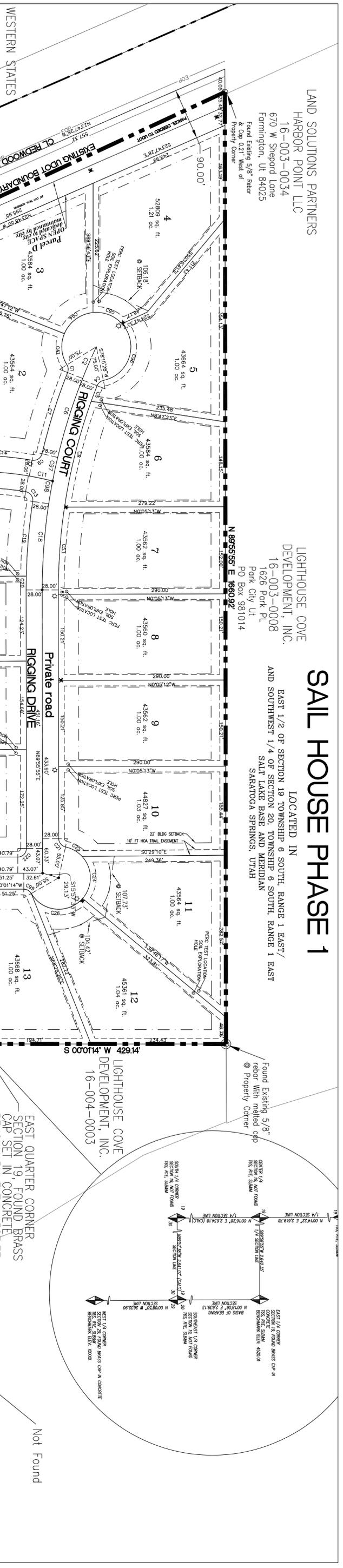
Found Existing 5/8"  
Rebar With milled cap  
@ Property Corner

Found Existing 5/8"  
Rebar  
& Cap 0.21" West of  
Property Corner

LIGHTHOUSE COVE  
DEVELOPMENT, INC.  
16-004-0003

EAST QUARTER CORNER  
SECTION 19, FOUND BRASS  
CAP SET IN CONCRETE  
BENCHMARK ELEV: 4527.77  
N 89°41'49" E 584.73'

Not Found



**LEGEND**  
PUBLIC TRAILS  
SECTION LINE  
CENTER LINE  
P.U.E. LINE  
SETBACK LINE  
30% SLOPE  
REBAR AND CAP TO BE SET  
NEW FIRE HYDRANT  
EXISTING FIRE HYDRANT  
MONUMENT  
POB

**BROMAG**  
Land Surveying  
3229 South Redwood Road, Suite A  
West Jordan, UT 84088  
Phone (801) 859-2416 email BROMAG@LIVE.COM

**GATEWAY CONSULTING, Inc.**  
P.O. BOX 951005 SOUTH JORDAN, UT 84095  
PH: (801) 694-5848 FAX: (801) 432-7650  
paul@gatewayconsultingllc.com

CIVIL ENGINEERING - CONSULTING - LAND PLANNING  
CONSTRUCTION MANAGEMENT

TAYLOR, MAE MENDENHALL  
16-005-0015  
2954 E Morley Pl  
SLC, UT 84109

Adjusted Location of  
Point of Beginning  
9.96' Dead Overlap

$\Delta = 24.4224$   
 $L = 498.79'$ ,  $R = 178.14$   
 $\text{CHORD} = 11'36.00" W 498.39'$

SECTION LINE  
BASIS OF BEARING  
N 0°18'06" E 2,639.13'

Not Found

# City Council Staff Report

**Author:** Jeremy D. Lapin, City Engineer  
**Subject:** Sailhouse  
**Date:** October 9, 2014  
**Type of Item:** Preliminary Plat Approval



Exhibit 4  
Engineering  
Report

## Description:

**A. Topic:** The Applicant has submitted a preliminary plat application. Staff has reviewed the submittal and provides the following recommendations.

## B. Background:

*Applicant:* Western States Ventures – Paul Watson  
*Request:* Preliminary Plat Approval  
*Location:* Approximately 4500 South Redwood Road  
*Acreage:* 56.47 acres - 40 lots

**C. Recommendation:** Staff recommends the approval of preliminary plat subject to the following conditions:

## D. Conditions:

- A. The developer shall prepare final construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to commencing construction.
- B. Developer shall bury and/or relocate the power lines that are within this plat.
- C. All roads shall be designed and constructed to City standards and shall incorporate all geotechnical recommendations as per the applicable soils report.
- D. Developer shall provide end of road and end of sidewalk signs per MUTCD at all applicable locations.
- E. Developer shall provide a finished grading plan for all roads and lots and shall stabilize and reseed all disturbed areas.
- F. Meet all engineering conditions and requirements as well as all Land Development Code requirements in the preparation of the final plat and construction drawings. All application fees are to be paid according to current fee schedules.

- G. All review comments and redlines provided by the City Engineer during the preliminary process are to be complied with and implemented into the final plat and construction plans.
- H. Developer shall prepare and submit easements for all public facilities not located in the public right-of-way
- I. Final plats and plans shall include an Erosion Control Plan that complies with all City, UPDES and NPDES storm water pollution prevention requirements. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and shall identify an acceptable location for storm water detention. All storm water must be cleaned as per City standards to remove 80% of Total Suspended Solids and all hydrocarbons and floatables.
- J. Project shall comply with all ADA standards and requirements.
- K. The existing secondary water system cannot support this project. An additional source is required in the area to alleviate the extreme pressure swings that the current system would experience if this project is added. Although the culinary system could support both the indoor and outdoor demand for this project, this would use up significant amounts of the remaining capacity in the system and is not recommended.
- L. Developer shall grade out the existing abandon canal without impacting and/or disturbing wetlands.
- M. The developer shall follow the outlines set for in the City's Culinary, Secondary, Sewer, and Storm Drain Master Plans.
- N. Developer shall provide turn-around's at all temporary dead ends greater than 150-ft compliant with International Fire Code and City Standards.
- O. Developer shall improve and dedicate, to City standards, the required half width of Redwood Road along the entire frontage.
- P. Developer shall provide and install formal landscaping and irrigation systems in all, detention basins areas.
- Q. Developer shall provide a lakeshore and drainage corridor trails in accordance with the City's trails Masterplan. The lakeshore trail shall be above the 100-yr high water elevation in all locations and immediately adjacent to property lines where possible.
- R. Developer shall ensure all sensitive lands are placed in protected open space an out of residential lots.

- S. Developer shall preserve natural drainages to the maximum extent practical and shall maintain a minimum setback of 100-ft from top of bank to the nearest structure unless adequate erosion control mitigation can be provided to justify the use of a lesser setback on the recorded plat. All trails and home finish floor elevations shall be a minimum of 2-ft above the 100-yr high water elevation of any adjacent drainage, lake, or waterway.
- T. Developer shall provide a comprehensive storm water model showing the 100-yr flow high water boundary along the natural drainages as well as a minimum freeboard of 2'. No lot shall contain any part of the drainage below the top of existing bank or the 2-ft freeboard boundary, whichever is the greater distance from the drainage flow line.
- U. Any culverts installed in the natural drainages shall be designed to convey the 100-yr flow with a minimum freeboard of 18 inches.
- V. Developer shall show on final construction drawings and build with each plat all master planned infrastructure as directed by the City Engineer. Utility mains shall be extended to the boundaries of each plat to facilitate.
- W. Developer shall provide wetland delineation from a qualified professional and comply with all local, state, and federal requirements regarding their disturbance.

184 Councilwoman Call sees the value of strategic planning. This can be utilized for years to come through the Economic  
185 Development department. She supports the 3 months process.

186  
187 Councilwoman Baertsch asked if each option provides training.  
188 Mark Christensen said yes all options provide training.

189  
190 Councilman Willden this is the right time for this planning and favors for option #1 or the hybrid of option #1 and #2.

191  
192 **Councilwoman Call made the motion to approve the professional service contract for strategic planning in the**  
193 **amount of \$22,800 for the 3 months option #2 directed by the Council. Seconded by Councilman Poduska.**  
194 **Aye: Councilwoman Call and Councilman Poduska. Nay: Councilwoman Baertsch, Councilman Willden and**  
195 **Mayor Miller. Motion died.**

196  
197 **Councilman Willden made the motion to approve the professional service contract for strategic planning of**  
198 **option #1 in the amount of \$39,100. Seconded by Councilwoman Baertsch. Aye: Councilman Willden,**  
199 **Councilwoman Baertsch and Councilman Poduska. Nay: Councilwoman Call. Motion passed 3 to 1.**

200  
201 **6. Public Hearing: Rezone and Concept Plan for Sail house located at approximately 4500 South Redwood**  
202 **Road, Paul Watson, applicant.**

203  
204 Kimber Gabryszak presented the rezone and concept plan for Sail House with the Council.

205  
206 Josh Romney, applicant indicated that this vision is to offers larger lots. The expense for this development will be  
207 providing the sewer system but is shooting for the rural feel and private community. Several water table tests have been  
208 completed and no problems were detected.

209  
210 **Mayor Miller opened public input.**

211  
212 Ryan Poduska said his is pleased with the proposed plan but is curious with regards to the secondary water plan.

213  
214 Chris Porter is in favor of allowing for septic tanks on lots of this size. Would be concerned with no curb or gutters  
215 installed and the potential rains washing the roads out and the cost this may bring to the city for repairs.

216  
217 **Councilwoman Baertsch made a motion to closed public input. Seconded by Councilwoman Call. Aye:**  
218 **Councilwoman Baertsch, Councilwoman Call, Councilman Willden and Councilman Poduska. Motion passed.**

219  
220 Paul Watson, applicant is presented to answer any questions the Council might have.

221  
222 Councilwoman Baertsch expressed that she likes the concept plan and is fine with the idea of septic tanks being  
223 installed to the area. She asked if the City Engineer could address the secondary water concerns.

224 Jeremy Lapin stated that secondary water source would be a success but we will be working with the applicant on  
225 possible options for this use.

226 Councilwoman Baertsch asked if the lots be large enough to use agricultural wells.

227 Jeremy Lapin all new development must purchase city water.

228 Councilwoman Baertsch would like to see the rezone be continued until the preliminary plat is in progress.

229  
230 Councilman Willden likes the concept plan. He would like to see that the property owners have the option to hook up  
231 to the City's sewer system in the future if septic tanks are installed.

232  
233 Councilwoman Call favors the lots, the secondary water and the septic tanks system as long as the steps through the  
234 health department requirements are met. The trail located on the east side could be costly and encourage the applicant  
235 to work with Forestry, Fire and State Lands regarding this matter. If a rural road is going to be considered then the  
236 Code will need to be amended, but would like to see staff's recommendation regarding this issue. Overall project is  
237 great.

238  
239 Councilman Poduska asked if there is room in some of the lots for a drain and replacement fields.

240 Paul Watson stated that the square footage is still there to allow for it.

241 Councilman Poduska this is a nice addition to the area.

242  
243 Mark Christensen noted that there is a need for a trail system for this development and asked the applicant to  
244 contemplate the connectivity to trails located to the north of this development.

245

246 **Kevin Thurman** the Utah Code requires all improvements to be in or bonded for prior to the plat being recorded and  
247 will need to be addressed with the applicant.  
248

249 **Councilwoman Baertsch made a motion to continue the rezone until preliminary plat, with direction to the**  
250 **applicant to work with the Health Department on approval of septic and with staff on the secondary water issues**  
251 **and to staff to work on a code change to allow for septic systems and a rural road cross section. Seconded by**  
252 **Councilwoman Call. Aye: Councilwoman Baertsch, Councilwoman Call, Councilman Willden and Councilman**  
253 **Poduska. Motion passed.**  
254

255 **7. Reports:**  
256

257 **Councilwoman Call** reported that the Lake Commission is meeting for strategic planning session at the end of the  
258 month and if anyone has any items to discuss to submit those to her soon so they can be placed on the agenda. EDCU  
259 had all of the project managers out to Saratoga Springs with developers and property owner who toured the area and  
260 they are on board for upcoming marketing. There is a community open house being held Thursday, March 27<sup>th</sup> which is  
261 being put on by the American Fork Hospital. There will be several free activities and invite the community to attend.  
262 Due to a request from the Jordan River Commission we are possibly looking at increasing the Jordan River study area  
263 to include more of the Jordan River. She will report more as it develops.  
264

265 **Councilman Poduska** briefed the Council on a site tour that he took of surrounding amphitheaters.  
266

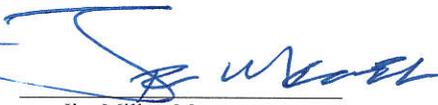
267 **Councilwoman Baertsch** indicated that as a council we need to look at what we want the future amphitheater to be  
268 exactly. There are huge differences in construction and cost depending on our goals. Will we want to just look at local  
269 theater or are we going to try and host big commercial concerts.  
270

271 Councilwoman Baertsch made a motion to enter into closed session at 8:30 p.m. for the purpose of land acquisition and  
272 litigation. Seconded by Councilwoman Call.  
273

274 Present was Mayor Miller, Councilman Poduska, Councilman Willden, Councilwoman Baertsch, Councilwoman Call,  
275 Mark Christensen, Kevin Thurman, Spencer Kyle and Lori Yates.  
276

277 Adjourned closed and policy at 9:15 p.m.  
278

279  
280  
281 July 1, 2014  
282 Date Approved  
283

284   
285  
286  
287 Jim Miller, Mayor  
288

289  
290  
291 Lori Yates  
292 Lori Yates, City Recorder



Saratoga Springs City  
Planning Commission

# Report of Action

TYPE OF ITEM

Concept Discussion	_____
Preliminary Plat	_____ X _____
For Discussion Only	_____
Site Plan	_____
Rezone	_____
Ordinance	_____
General Plan	_____
Code Amendment	_____
Plat Amendment	_____
Road Vacation	_____
Conditional Use	_____
Development Agmt.	_____
Minor Subdivision	_____
Other	_____

**Meeting Date:** October 9, 2014

**ITEM #4.** Sail House Preliminary Plat

Jeff Cochran was present as Chair.

### ACTION OF PLANNING COMMISSION

The following action was taken by the Planning Commission on the above-described item:

#### **Positive Recommendation with Conditions**

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- See Staff Report
- Requested discussion on the requirement in 19.12.06.1.c for connectivity to north and south.

### CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in verbal comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- No comment.

### APPLICANT PRESENTATION

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Paul Linford. Wants an exclusive community, a gate for security and to set them apart. There is a need for the upper end market, considering other developments in South Jordan and other communities. Helps with marketing. Agree to follow Code; want to take to City Council and see if there is some other solution.
- Paul Watson. Will bring the gate plans back for final plat. And answered Commissioner questions.

### PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Sandra Steele
  - When seeing a gate, usually sees a design for a gate. Where are plans for turnaround? If bringing back with Final Plat, make sure there's room for a turnaround.
  - Code is specific, and their job is to make sure the code is met. Needs to see a connection to north and south. Can be done while still keeping it private.
  - Recommends a condition to not permit final plat approval until after secondary water issue is resolved.
  - Duplicate names are also still not corrected. (Rigging Court and Rigging Drive, etc.)
- Kirk Wilkins
  - For connection, recommend one-way gates to get out in terms of an emergency.
  - Secondary water, approve preliminary plat and allow moving forward when secondary water becomes available.
  - Clarified that there will be no stub for future connectivity for sewer. (Code does not require a stub.)
- Kara North
  - Beautiful neighborhood. Appreciates desire for exclusivity, but don't know that they can approve without connectivity. Wouldn't be opposed to have one-way gates to north and south. Living in a neighborhood with only one way in and out, it's good to have another way in case of emergency.
  - Also in favor of doing the approval so that when secondary water is available it allows them to move forward.
  - Likes the trail connectivity.
- Jarred Henline
  - Ok with the water condition proposed by group.
  - There has to be connectivity, statute is clear. Suggest one road, go with option 1 [to have emergency gates]
  - Word condition to allow them to decide how to provide connectivity.
  - Commissioner Steele made a good point about the need for gate plans.
- Jeff Cochran
  - Likes this development, it's different from what we've seen in the City. Gives a different option.
  - Asked for clarification on what has to happen for secondary water issues to be resolved.
  - Recognizes desire for development to be private, however there needs to be some connectivity.

## **MOTION**

Commissioner Wilkins made the following motion: "I move to forward a **positive** recommendation to the City Council for the Sail House preliminary plat on parcel 16:003:0025, as outlined in Exhibit 3 of the Staff Report, with the Findings and Conditions in the Staff report and discussed by the Planning Commission."

### **Findings**

1. With appropriate conditions, the preliminary plat complies with the requirements of Section 19.04, Land Use Zones, as outlined in Section H of this report.
2. The preliminary plat complies with the requirements of Section 19.05, Supplementary Regulations, as outlined in Section H of this report.
3. The preliminary plat complies with the requirements of Section 19.06, Landscaping and Fencing, as outlined in Section H of this report.
4. The preliminary plat complies with the requirements of Section 19.09, Off Street Parking, as

outlined in Section H of this report.

5. The preliminary plat complies with the requirements of Section 19.12, Subdivisions, as outlined in Section H of this report, and through the modification to the site to provide a connection.
6. The preliminary plat complies with the requirements of Section 19.25, Lake Shore Trail, as outlined in Section H of this report.

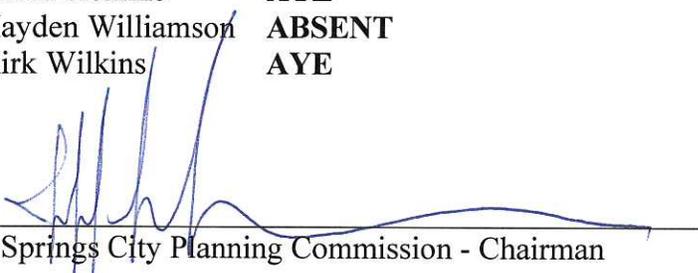
**Conditions:**

1. All requirements of the City Engineer shall be met as outlined in Exhibit 4.
2. Connectivity shall be provided to the north and south according to Code requirements.
3. Health Department feasibility approval for the septic systems shall be provided prior to Final Plat approval.
4. Final Plat approval shall not be given until such time as the secondary water availability issue is resolved.
5. Design of the gate and entry shall be provided at time of Final Plat, ensuring adequate space and design for vehicles to turn around.
6. The duplicate road names shall be corrected according to Code Section 19.27.

Commissioner Steele seconded the motion.

VOTE (5 TO 1)

Jeff Cochran	<b>AYE</b>
Eric Reese	<b>ABSENT</b>
Sandra Steele	<b>AYE</b>
Kara North	<b>AYE</b>
Jarred Henline	<b>AYE</b>
Hayden Williamson	<b>ABSENT</b>
Kirk Wilkins	<b>AYE</b>



---

Saratoga Springs City Planning Commission - Chairman

Exhibit 1: Staff Report Dated October 9, 2014

**ORDINANCE NO. 14-24 (10-21-14)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE CITY OF SARATOGA SPRINGS' OFFICIAL ZONING MAP FOR CERTAIN REAL PROPERTY (SAIL HOUSE); INSTRUCTING THE CITY STAFF TO AMEND THE CITY ZONING MAP AND OTHER OFFICIAL ZONNG RECORDS OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Utah Code section 10-9a-503 allows municipalities to amend the number, shape, boundaries, or area of any zoning district;

**WHEREAS**, before the City Council approves any such amendments, the amendment must first be reviewed by the planning commission for its recommendation;

**WHEREAS**, on February 13, 2014, the Planning Commission held a public hearing after proper notice and publication to consider the proposed amendments to the City-wide zoning map and forwarded a positive recommendation with conditions;

**WHEREAS**, on March 4, 2014, the City Council held a public hearing after proper notice and publication to consider the proposed amendments to the City-wide zoning map;

**WHEREAS**, after due consideration, and after proper publication and notice, and after conducting the requisite public hearing, the City Council has determined that it is in the best interests of the residents of the City of Saratoga Springs that amendments to the City-wide zoning map be made.

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

**SECTION I – ENACTMENT**

The amendments to the City's Zoning Map attached hereto as Exhibit A and incorporated herein by this reference are hereby enacted.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

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

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code § 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 21<sup>st</sup> day of October, 2014.

Signed: \_\_\_\_\_  
                  Jim Miller, Mayor

Attest: \_\_\_\_\_  
                  Lori Yates, City Recorder

\_\_\_\_\_ Date

**VOTE**

Shellie Baertsch	_____
Rebecca Call	_____
Michael McOmber	_____
Bud Poduska	_____
Stephen Willden	_____