

Chapter 19.01. General Provisions.

Sections:

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

19.01.01. Short Title.

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

(Ord. 12-9, Ord. 11-9)

19.01.02. Application.

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

(Ord. 11-9)

19.01.03. Scope.

1. This Title is designed and enacted in accordance with a Land Use Element of the General Plan to:
 - a. designate, regulate, and restrict the erection, construction, reconstruction, alteration, location, and uses of buildings and the uses of land for business, industry, residence, recreation, public activities, or other purposes;
 - b. regulate and restrict the height, number of stories, size, and bulk of buildings and other structures hereafter erected or altered;
 - c. regulate and restrict the height, bulk, and location of objects of natural growth where such objects are deemed to be hazardous to life or property;
 - d. regulate and determine the size of lots, courts, yards, and other open spaces and the percentage of the lot that may be occupied; and

- e. regulate the density and distribution of population, and for these purposes to divide the municipality into land use zones of such number, shape, or area as may be deemed best suited to carry out these regulations and provide for their enforcement.
2. The regulations and procedures of this Title shall prevail in any conflict between this Title and the ordinances, regulations, and procedures of the City of Saratoga Springs pertaining to the development of property, except that in all cases the more restrictive provision in any ordinance, regulation, or procedure shall prevail.

(Ord. 17-17, Ord. 11-9)

19.01.04. Purpose.

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

(Ord. 13-16, Ord. 11-9)

19.01.05. Effect of Other Regulations.

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

(Ord. 13-16, Ord. 11-9)

19.01.06. Effect of Private Covenants and Agreements.

1. This Title shall not nullify the more restrictive provisions of private covenants and

agreements entered into between private persons. In the event there are less restrictive provisions of private covenants and agreements, this Title shall prevail.

2. Enforcement of private covenants and agreements is affected only by the parties in interest, and the responsibility of enforcement shall not be assumed by the City or its agents.

(Ord. 13-16, Ord. 11-9)

19.01.07. Establishment of Land Use Zones.

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

(Ord. 14-4, Ord. 13-16, Ord. 11-9)

19.01.08. Requirements Declared Minimums.

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

(Ord. 13-16, Ord. 11-9)

19.01.09. Property Use Regulations.

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

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

- b. no existing accessory use or building may be continued to be used or occupied after the main building or use is no longer a permitted or nonconforming use or structure.

(Ord. 17-17, Ord. 14-4 Ord. 13-16, Ord. 11-9)

19.01.10. Effect on Previous Ordinances and Maps.

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

(Ord. 17-17, Ord. 12-9, Ord. 11-9)

19.01.11. Permits and Licenses.

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

(Ord. 13-16, Ord. 11-9)

19.01.12. Administrative Reviews, Certificates, and Permits.

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

building permit, or business license application meets the requirements of this Title or any applicable development agreement.

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

(Ord. 17-17; Ord. 17-08, Ord. 13-16, Ord. 11-9)

19.01.13. Fees.

1. A fee for reviews, certificates, and permits shall be charged as set forth in the City of Saratoga Springs Consolidated Fee Schedule or any resolution or ordinance adopting fees.
2. No fee in whole or in part covered under this Section is refundable in the event that the application for the permit or approval is denied, has expired, or was previously abandoned by a property owner.

(Ord. 17-17, Ord. 11-9)

19.01.14. Expiration of Building Permits.

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

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.01.15. Cancellation of Permits, Certificates, and Approvals.

1. Failure to comply fully with the terms of any permits, certificates, or approvals is sufficient grounds for cancellation of such.
2. The City official, board, commission, council, or agency that issued the permit, certificate, or approval may take action to cancel it for failure to comply.
3. The entity issuing a cancellation under Subsection 2 shall mail a notice of cancellation to

the permittee at the address provided on the application or at the permittee's current address, and such mailing constitutes proper notice of action taken under this Section.

(Ord. 17-17, Ord. 13-16, Ord. 11-9)

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

1. Upon issuance of any approval, the developer, owner, or designee shall proceed only in accordance with the terms of such approval, including any requirement or condition of approval and any requirement of federal, state, and City laws, rules, or regulations.
2. No building permit required in connection with such proposed development or operation shall be issued until all permits, reviews, or approval required by this Title have been secured.
3. Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required in the particular case.

(Ord. 13-16, Ord. 11-9)

19.01.17. Public Hearings.

1. Public hearing procedures for land use ordinance amendments, general plan amendments, and development approval are described in 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.

(Ord. 17-17, Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.01.18. 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.

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