

Chapter 19.02. Definitions

Sections:

19.02.01. Interpretation.

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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.

(Ord. 14-13; Ord. 12-9, 11-9)

19.02.02. Definitions.

As used in this Title:

1. **“Accent Material or Color”** means a building material or color that is used to supplement or contrast the primary materials and colors of a building and is typically less than 10% of a façade. Examples include window and door treatment, awnings, roof eaves, wainscots, and contrasting trim.
2. **“Accessory Building”** means a building that:
 - a. is clearly incidental to and found in connection with a principal or main building;
 - b. is subordinate to and serves a principal or main building;
 - c. is subordinate in area, extent, or purpose to the principal or main building served;
 - d. is located on the same lot as the principal or main building served; and
 - e. contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building, and
 - f. does not include storage containers.
3. **“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.
4. **“Agricultural Building”** means any structure used for agriculture.
5. **“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.

6. **“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
7. **“Ancillary Use”**:
 - a. means a use that:
 - i. is clearly incidental to and found in connection with a principal or main use;
 - ii. is subordinate to and serves a principal or main use;
 - iii. is subordinate or less than in extent, area, or purpose to the principal or main use;
 - iv. is located on the same lot as the principal or main use; and
 - v. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use; and
 - b. Home Occupations are deemed an ancillary use.
8. **“Animal Hospital (Large), Large Veterinary Office”** means an establishment at which all types of farm animals (large, medium, or small) or household pets may be treated or boarded.
9. **“Animal Hospital (Small), Small Veterinary Office”** means an establishment at which small farm animals only or household pets are treated or boarded within a completely enclosed building, and large animals such as horses are not treated or boarded.
10. **“Apiary”** means a place in which a colony or colonies of bees are kept, such as a stand or shed for beehives or a bee house containing a number of beehives.
11. **“Applicable Building Code”**: see “Building code”
12. **“Applicable Fire Code”**: see “Fire code”
13. **“Applicant”**:
 - a. means the owner of land proposed to be developed, or the owner’s duly authorized agent if that agent has written authorization from the owner, who submits a complete application for consideration by the City; and
 - b. includes an individual or entity who is under contract to purchase land proposed to be developed so long as the individual or entity closes on the project before any land use application is brought before the Land Use Authority for consideration at a public meeting or hearing.
14. **“Arts and Crafts Sales”**:
 - a. means an establishment that produces articles for sale of artistic quality or effect or handmade workmanship; and
 - b. includes candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and their associated activities.
15. **“Automobile Rental and Leasing Agency”** includes rental of passenger vehicles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease.

16. **“Automobile Repair, Major”** means an establishment, not meeting the definition of Automobile Repair, Minor, primarily engaged in the major repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, and tire repair and sales, provided it is conducted within a completely enclosed building.
17. **“Automobile Repair, Minor”** means an establishment that is located no closer than 300 feet (as measured from the property lines) to any residential zone, is primarily engaged in the minor repair or minor maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, oil changes, tune-ups, safety inspections and emissions testing, and detailing, is conducted entirely within a completely enclosed building, and does not include paint work, body and fender work, or major engine and engine part overhaul. “Minor repair” or “minor maintenance” is defined as a routine service that requires no more than 8 total hours of service.
18. **“Automobile Sales”** means the premises on which new or used passenger automobiles, non-motorized trailers, or trucks in operating condition are displayed in the open for sale or trade.
19. **“Back Yard”**: see “Yard, rear”
20. **“Bakery, Retail”** means an establishment primarily engaged in the retail sale of baked products for consumption off site.
 - a. A bakery’s products may be prepared either on or off site.
 - b. A bakery’s use may include incidental food service.
 - c. A bakery shall be considered a general retail use.
21. **“Bakery, Commercial”** means a place for preparing, cooking, baking, and selling of products intended for off-premise distribution only.
22. **“Basement House”** means a one-story dwelling of which fifty percent or more of the floor area is below the finished grade.
23. **“Bed and Breakfast”** means a transient lodging establishment, generally in a single family dwelling or detached guesthouses which is owner or operator occupied, primarily engaged in providing overnight or otherwise temporary lodging for the general public for compensation, and where meals may or may not be provided.
24. **“Big Box Retail”** See **“Retail, Big Box”**
25. **“Block”** means:
 - a. the land surrounded by streets and other rights-of-way, other than alleys; or
 - b. land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City.
26. **“Bond Agreement”** means an agreement between the developer and the City, on forms approved by the City, wherever a performance bond or warranty bond is required by this

Title to install improvements secured by an escrow agreement with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the City, or a letter of credit from a reputable, federally-insured financial institution in an amount as specified in this Title.

27. **“Bond”**:

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

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

29. **“Buildable”**:

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

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

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

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

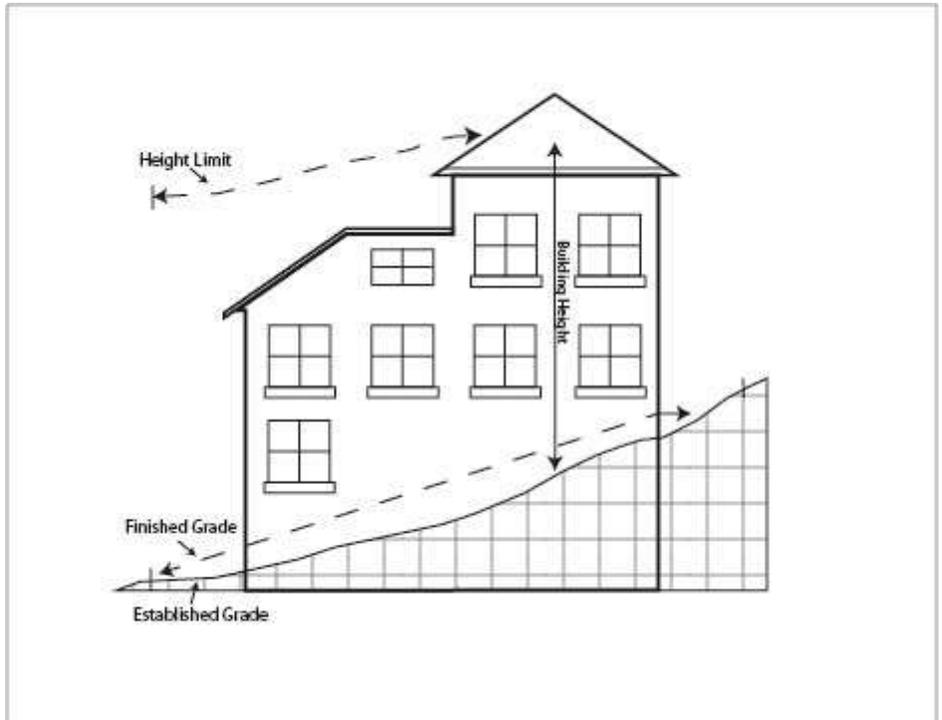
33. **“Building Code”** means the codes adopted by the City by ordinance and codified in 18.01.01.

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

35. **“Building Height”** or **“Structure Height”** means:

the vertical distance from the established grade surface at the building wall, as shown in the drawing below, to either:

- a. the highest point of the coping of a flat roof or to the deck line of a mansard roof directly above the point of measurement; or
- b. the mean height level between eaves and ridge for gable, hip, or gambrel roofs directly above the point of measurement.



36. “Building Lot”:

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

37. “Building, Main”: see “Main Building”

38. “Building Material Sales (with outdoor storage)”:

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

39. “Building Material Sales (without outdoor storage)” means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are sold.

40. **“Building Official”** or **“City Building Official”** means the City of Saratoga Springs Building Official.
41. **“Building, Public”** 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.
42. **“Bus Lot”** means any lot or land area used for the storage or layover of passenger buses or motor coaches.
43. **“Car Wash (full service)”** means a car wash with facilities for the washing or waxing of automobiles, light trucks, and vans, which may include drying equipment, vacuums, and other incidental uses. Full service car washes shall not include open self-service bays.
44. **“Car Wash (self-service)”** means a business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated devices.
45. **“Cemetery”** means the use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematorium, mausoleum, and mortuary when operated in conjunction with and within the boundaries of such cemetery.
46. **“Charter School”** see **“School, Charter”**
47. **“Child Care Center”** means a non-residential building or structure where care, protection, and supervision are provided for children on a regular schedule for a fee.
48. **“Church”** means a building, together with its accessory buildings and uses, where persons regularly assemble for worship and that is maintained and controlled by a religious body organized to sustain public worship.
49. **“City Engineer”**: see **“Engineer, City”**
50. **“City of Saratoga Springs Standard Technical Specifications and Drawings”** means the City’s construction standards and specifications regarding the installation of public improvements as established or to be established by the City Engineer and includes the conditions, standards, and other related technical requirements necessary to development approval under this ordinance as stipulated by the authority of the City Engineer.
51. **“Collector Street (major and minor)”** means a street which provides for movement between arterial and local streets and direct access to abutting property.
52. **“Commercial”** means an activity conducted with the intent of generating revenue from the sale or collection of goods and services.

53. **“Commercial Center”** means a development which contains at least twelve acres of commercial land and at least 100,000 square feet of commercial floor space.
54. **“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.
55. **“Commercial and Industrial Laundries”** means an establishment:
- a. which launders or dry cleans articles on site; and
 - b. where all articles are dropped off on the premises by multiple laundry services and not the individual customers.
56. **“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.
57. **“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.
58. **“Concrete Tilt-up Construction”** A construction method wherein concrete building panels are poured and cast on-site or off-site and then tilted or raised in place.
59. **“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.
60. **“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.
61. **“Contractor 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.
62. **“Contractor Services Office”** means an enclosed space containing the permanent business office for a landscape, plumbing, painting, construction, or similar contractor, and used for the housing and operating of company machinery, the provision of services, the storage of materials and equipment, and the maintenance of company equipment, but that does not include outdoor storage other than the parking of company and passenger vehicles. Equipment such as backhoes and front loaders are considered as equipment, not vehicles.

63. **“Convenience Store”** means a building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.
64. **“Convenience Store/Fast Food Combination”** means a building that houses a Convenience Store and either a Fast Food (Restaurant, Casual or Restaurant, Deli) establishment or a Restaurant, Sit-Down.
65. **“Copy Center”** means a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.
66. **“Corner Lot”** means a building lot situated within a corner created by the intersecting lines of a street or streets.
67. **“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.
68. **“Dairy”**:
- a. means a farming operation for the production of milk in commercial quantities and which is required to be regularly inspected by the State Department of Agriculture or its cooperating agencies; and
 - b. includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.
69. **“Depth”**:
- a. when measuring an **inside lot**, means the distance from the front lot line and rear lot line as measured from the center line; or
 - b. when measuring a **multi-frontage** or **corner lot**, means the horizontal distance between opposite boundaries of the lot when measured along the lot’s centerline.
70. **“Destination Oriented Development”** means a building or group(s) of buildings with facilities to accommodate the needs of residents, visitors, or tourists with large portions of the site devoted to recreational opportunities.
71. **“Detached”** means freestanding with open space on all four sides.
72. **“Developer”** or **“Subdivider”** means a person who:
- a. having interest in land, causes it, directly or indirectly, to be divided into a subdivision;
 - b. directly or indirectly sells, leases, develops, or advertises for sale, lease or development, any interest, lot, parcel, site, dwelling, unit, or plat in a subdivision; or
 - c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale the lease or development of a subdivision.

73. **“Development Agreement”** means a written contractual agreement between the City and the developer which sets forth the respective obligations of the City and the developer relative to a proposed project.
74. **“Development Review Committee” (“DRC”)** means an informal committee or group of City staff or City consultants whose responsibility is to review all development requests, process all development applications, and make recommendations with respect to development applications to the Planning Commission, City Council, Applicants, and Mayor. The DRC’s membership includes the City Manager, City Engineer, Planning Department, Public Works Director, City Fire Chief, City Building Official, City Attorney, and any other person or agent that the City Manager deems appropriate to function as a member of the Committee.
75. **“District Area Plan”** means a document, containing the information set forth in Section 19.26.13, that is required at the time property within a proposed Large-scale Planned Community District under Section 19.26.13 is assigned the designation of Planned Community Zone.
76. **“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.
77. **“Drive-thru”** means a use that provides services through a window or machine without the driver leaving the vehicle.
78. **“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.
79. **“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.
80. **“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.
81. **“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.
82. **“Dwelling, Above Commercial”** means a building which contains dwellings located above the ground floor of a commercial, office, or retail use.

83. **“Dwelling, Accessory Unit” or “ACCESSORY DWELLING UNIT”** means a residential unit that is located on the same lot as a single-family dwelling unit and is (a) internal to a single-family dwelling, (b) attached to a single-family unit (e.g., an addition), or (c) part of a detached garage or accessory building. An ADU cannot be a stand-alone structure and must be part of the main dwelling or part an accessory building or detached garage. An ADU must be a complete housing unit with a separate entrance, kitchen, sleeping area, closet space, bathroom facilities, utilities (electricity, gas, and culinary water), and dedicated off-street parking. A dwelling with an ADU shall be owner-occupied and shall be considered a “Dwelling, Single-family.”
84. **“Dwelling, Live/Work”** means a dwelling unit designed to be used jointly for commercial and residential purposes, not including Home Occupations.
85. **“Dwelling, Multi-family”** means a building or buildings sharing common walls or common interior floors and containing four or more dwellings.
86. **“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.
87. **“Dwelling, Three-family”** means a single residential building under a continuous roof, the structure containing only three dwellings sharing common interior walls or common interior floors.
88. **“Dwelling, Two-family”** means a single residential building under a continuous roof, the structure containing only two dwellings sharing common interior walls or common interior floors.
89. **“Easement”** means that portion of a property reserved for present or future use under, on, or above the property by a person or agency other than the legal fee owner or owners of the property.
90. **“Edge Use”** means a use allowed on the outside boundary of a specific land use zone that also has frontage on the collector or arterial roadway, which use is allowed up to a maximum of 300 feet into the land use zone from the outside boundary.
91. **“Educational Center”** means an institution for the teaching of children or adults, including colleges, professional schools, dance schools, business schools, trade schools, and art schools.
92. **“Electronic Media Rental and Sales”** means a retail establishment whose primary function is the sale or rental of videos, CDs, or DVDs.
93. **“Electronic Sales and Repair”** means a retail establishment that deals in the sale and repair of electronics.

94. **“Enclosed Parking”**:
- a. “Enclosed parking” means a fully-enclosed attached or detached residential accessory building designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory.
 - b. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this Title applicable to main buildings.
95. **“Engineer, City”** means the appointed official or designee who is responsible for the Engineering functions of the City as described in this Chapter and other ordinances and policies of the City.
96. **“Equestrian Center”**:
- a. means an establishment engaged in the boarding, feeding, or general care of horses or other large animals for personal or commercial purposes; and
 - b. includes uses such as agriculturally oriented gatherings, assemblies and shows, and the sale of feed, tack, and other agricultural products.
97. **“Equipment Sales and Service”** means an establishment located no closer than 300 feet (as measured from the property lines) to any residential zone that is primarily engaged in the sale or rental of tools, lawn and garden equipment, including outdoor storage and incidental maintenance.
98. **“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.
99. **“Established Grade”** means the measured grade of a piece of land at time of subdivision or site plan approval, shown on the final subdivision or site plan, and from which height of future structures will be measured.
100. **“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.
101. **“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)
102. **“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.
103. **“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.
104. **“FEMA”** is an acronym for the Federal Emergency Management Agency.
105. **“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.
106. **“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.
107. **“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.
108. **“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.
109. **“Finished Surface Grade”** means the elevation of the finished ground surface adjacent to and measured along all exterior walls.
110. **“Fire Code”** means the International Fire Code adopted by the City by ordinance and codified in Title 18.
111. **“Fitness Center”** means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.
112. **“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.
113. **“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.
114. **“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.
115. **“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.
116. **“Footprint Development”** means a development where ownership of a lot extends only to the interior of the exterior building walls, according to the recorded plat and consistent with State requirements, and where yards, open space, and other areas outside of the exterior building walls are owned in common.
117. **“Front Yard”**: see **“Yard, Front”**
118. **“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.
119. **“Funeral Home”**:
- a. means a building used for the preparation and embalming of deceased persons for viewing, burial, and cremation of deceased persons and the conducting of rituals connected therewith before burial or cremation; and

- b. may include a chapel for the conducting of funeral services, areas for funeral services and gatherings, and areas for the display of funeral equipment.
120. **“Garage”:**
- a. “Garage” means an attached or detached residential building designed or used for the storage of private passenger automobiles that is ancillary to the use of the residence.
 - b. A garage shall be designed and constructed as an architectural and integral part of the main building and shall be subject to all the requirements of this Title applicable to main building.
121. **“Gas Station”** See **“Refueling Station.”**
122. **“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.
123. **“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).
124. **“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.
125. **“Hair Salon”** means a retail business:
- a. whose principal activity is the cutting, coloring, and styling of hair; and
 - b. that may provide ancillary services such as nail painting, permanent makeup, microblading, and wax treatments.
126. **“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.
127. **“Height”** see **“Building Height.”**
128. **“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).
129. **“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.
130. **“Hotel”** means a building containing guest rooms with only interior access in which lodging is provided for compensation.
131. **“Jordan River Meander Corridor”** means the area of land surrounding the river that provides for the meandering, floodplain, and riparian functions necessary to restore and maintain the naturally stable or least erosive form of the river thereby minimizing erosion hazards over time.
132. **“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.
133. **“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.
134. **“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.
135. **“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.
136. **“Interior Lot”** means any building lot other than a corner lot.
137. **“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.
138. **“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.

139. **“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.
140. **“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.
141. **“Landscaping”** means the installation of any combination of the following items to produce an aesthetic effect or to enhance and preserve natural features of the site:
- a. plant materials, such as lawn, annual and perennial flowering plants, native vegetation, vines, shrubs, and trees but not including weeds or noxious plants;
 - b. ground cover, such as mulch, bark, and decorative rock;
 - c. ponds, fountains, falls, and streams; and
 - d. statues, outdoor artwork, benches and tables, earth berms, pots and planters.
142. **“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 Director, City Manager, City Staff, or City Body.
143. **“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.
144. **“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.
145. **“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.
146. **“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.
147. **“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.

148. **“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.
149. **“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.
150. **“Local Street”** means a street which provides for direct access to abutting land and for local traffic movement.
151. **“Lot, Building”**: see **“Building Lot”**
152. **“Lot, Corner”**: see **“Corner lot”**
153. **“Lot Coverage”** means the portion of a lot that is occupied by buildings or structures including accessory uses.
154. **“Lot Depth, Inside Lots”**: see **“Depth”**
155. **“Lot Depth, Multi-frontage and Corner Lots”**: see **“Depth”**
156. **“Lot, Double Frontage”**: see **“Double frontage”**
157. **“Lot, Flag”**: see **“Flag Lot”**
158. **“Lot, Interior”** see **“Interior Lot”**
159. **“Lot layout”** means a plat of a lot, drawn to scale, showing:
- a. its actual measurements, the size and location of any existing buildings, and buildings to be erected;
 - b. the location of the lot and abutting streets; and
 - c. any further requirements as described in this Code.
160. **“Lot line”** means a boundary line of a parcel of land. The definitions of specific types of lot lines are as follows:
- a. **“Front lot line”** means any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.
 - b. **“Front lot line for a flag lot”** means the lot line nearest to a dedicated public street and at the end of the staff.
 - c. **“Rear lot line for a corner lot”** means that interior lot line which has been designated as the rear lot line as determined by the direction the house faces.
 - d. **“Rear lot line for an interior lot”** means the interior line lying opposite of the front lot line.
 - e. **“Side lot line for a corner lot”** means:
 - i. any interior lot lines for multi-frontage lot; or,
 - ii. for other corner lots, that interior lot line which has been designated as the side lot line by the lot owner, unless designated on the plat.
 - f. **“Side lot lines for interior lot”** means:

- i. those interior lines lying opposite each other, running between the front and rear lot lines; or
- ii. in the case of a multi-frontage lot, those interior lines which run between the two front lot lines.

161. **“Lot Line, Front”**: see **“Lot line”**

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

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

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

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

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

167. **“Lot Width”**:

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

168. **“Lot Width for Corner Lot”**: see **“Lot width”**

169. **“Lot Width for Interior Lot”**: see **“Lot width”**

170. **“Main Building”**:

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

171. **“Major Collector”**: see **“Collector street (major and minor)”**

172. **“Major Grading Permit”**: see **“Grading permit, major”**

173. **“Manufactured Home”** means a home or other building of new construction:

- a. without attached axles or wheels;
- b. which has been assembled fully, or in part, upon another site, or in a factory;
- c. moved to the site upon which it is to be permanently assembled; and
- d. which is placed upon a permanent foundation in compliance with the provisions of the City’s adopted building code.

174. **“Manufacturing”**:

- a. means the assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.

- b. This word is used interchangeably with Industrial.
175. **“Marina”** means a public or private dock or basin providing secure moorings for boats and often offering supply, repair, and other facilities.
176. **“Mining”** means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.
177. **“Minor Subdivision”** means the subdivision of a parcel into a maximum of four parcels and where the construction of public improvements to service the created parcels is not required.
178. **“Mixed Use”** a tract of land or building or structure developed for two or more different uses such as, but not limited to residential, office, retail, and other possible compatible uses approved by the Land Use Authority.
179. **“Mixed-Use Development”** means a building or group of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, and other possible miscellaneous compatible uses that are approved by the Land Use Authority.
180. **“Mobile Food Vendor”** is a business that serves food and / or beverages from a self-contained unit either motorized or in a trailer on wheels, conducts all or part of its operations on premises other than its own, and is readily movable, without disassembling, for transport to another location. The term “mobile food vendor” shall not include snow shacks or ice cream vendors.
181. **“Mobile Home”** means a detached dwelling designed for long-term occupancy and transportation on its own wheels, on a flatbed, or on trailers, and arriving at the site where it is to be occupied as a complete dwelling ready for occupancy except for connections to utilities and other minor work.
- a. Removal of a mobile home’s wheels or placing a mobile home on a foundation shall not remove such dwelling from classification as a mobile home.
 - b. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the applicable building code, plumbing code, mechanical code, and electrical code.
182. **“Model Home”** means a dwelling temporarily used as a sales office for a residential development under construction, and not for general real estate business.
183. **“Motel”**: means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room with exterior access, which includes automobile courts, tourist courts with more than one building, and motor lodges. Motels are prohibited in the City.

184. **“Multi-Family Dwelling”**: See **“Dwelling, Multi-family”**
185. **“Neighborhood Grocery Store”** means a store that is 25,000 square feet or less:
- a. where most of the floor area is devoted to the sale of food products for home preparation and consumption;
 - b. that typically also offers other home care and personal care products; and
 - c. that is substantially larger and carries a broader range of merchandise than convenience stores.
186. **“Nonconforming Building Lot”** means a parcel of land of record that was lawfully subdivided and in compliance with all laws at the time of division and no longer meets the minimum requirements for a building lot in the zone where it is located because of a subsequent amendment to the applicable land use ordinance.
187. **“Nonconforming”**, when used in the context of a building or structure, means a building or structure meeting the definition contained in Utah Code § 10-9a-103 for a Noncomplying Structure.
188. **“Nonconforming use”** means a use meeting the definition contained in Utah Code § 10-9a-103 for a Nonconforming Use.
189. **“Non-Depository Institution”** means a financial business, other than a depository institution such as a bank, credit union, mortgage lender, or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act, which includes the following defined businesses:
- a. **“Check Cashing Business”**:
 - i. means a person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan; and
 - ii. does not include Depository Institutions, as defined by the State of Utah, or retail sellers engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.
 - b. **“Payday Loan Business”** means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
 - c. **“Title Loan Business”** means an establishment providing short term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.
 - d. **“Deferred Deposit Lender”** means a business that conducts transactions where a person presents to a check casher a check written on that person’s account or provides written or electronic authorization to a check casher to effect a debit from that person’s account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specified date. This definition includes any other business that offers deferred deposit loans, title loans, check cashing services, or loans for payment of a percentage fee

exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.

190. **“Off-street parking”** means the space within a building, lot, or parking lot, but not within any portion of any public street right-of-way, for the temporary parking of one vehicle.
191. **“Office”** means a room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.
192. **“Office, High-Intensity”** means an office in which business uses are conducted which typically require more than 6 employees per 1000 sq. ft., and in which no goods or merchandise are stored, displayed, or sold. An example would include call-centers.
193. **“Office, Medical and Health Care”**:
- a. means:
 - i. offices or clinics which provide services for the treatment and care of illness or injury, including only medical, dental, and chiropractic offices; or
 - ii. offices devoted to the healing arts so long as licensed and accredited, including massage therapists and licensed physical therapists; and
 - b. may include a pharmacy or drugstore intended to serve patients of medical or dental professionals.
194. **“Office, Professional”** means a place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed or sold.
195. **“Office, Warehouse/Flex”** A commercial building comprised of two or more leasable units, designed for office, retail, and light manufacturing uses.
196. **“Open Space”**:
- a. means an open, landscaped, and improved area that:
 - i. is unoccupied and unobstructed by residential or commercial buildings, setbacks between buildings, parking areas, and other hard surfaces that have no recreational value;
 - ii. provides park or landscaped areas that meet the minimum recreational needs of the residents of the subdivision;
 - b. includes parks, recreational areas, gateways, trails, buffer areas, berms, view corridors, entry features, or other amenities that facilitate the creation of more attractive neighborhoods;
 - c. may include hard surfaced features such as swimming pools, plazas with recreational value, sports courts, fountains, and other similar features with recreational value, as well as sensitive lands with recreational value, subject to the limitations stated in the definition of sensitive lands, within a development that have been designated as such at the discretion of the Land Use Authority; and
 - d. may not include surplus open space located on another lot unless such surplus open space was previously approved as part of an overall site plan, development agreement, or plat approval.

197. **“Ordinary High Water Mark”** shall have the same definition found in 33 C.F.R. 328.3(6), which may be amended from time-to-time and as of October 2, 2018, is: “That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area.”
198. **“Outdoor Seasonal Sales”** means a type of temporary use that includes outdoor retail operations such as Christmas tree lots, pumpkin patches, fireworks stands, or other similar seasonal retail uses but not including Mobile Food Vendors, Ice Cream Vendors, or Snow Shacks.
199. **“Outdoor Vending Machines”**:
- a. means any self-contained or connected appliance, machine, or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service; and
 - b. does not include newspaper racks, phones, and automatic teller machines.
200. **“Parcel of Land”** means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same owner.
201. **“Park, Regional”** means a park that is 20 acres or larger and provides recreational amenities and/or facilities for the public.
202. **“Park Strip”** means the strip of land located within the public right of way between the edge of a lot or parcel and the curb and gutter, or the edge of the sidewalk and the curb and gutter, whichever measurement is farther from the curb.
203. **“Parking Lot”** means an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
204. **“Parking, Off-street”**: See **“Off-street parking”**
205. **“Parks, Playgrounds, or Community Recreation”** means any of the following recreational land uses, which are easily accessible to residents depending on the local needs:
- a. areas of natural quality set aside for outdoor recreation such as viewing, sitting, and picnicking;
 - b. arenas;
 - c. athletic fields;
 - d. community centers;
 - e. golf courses;
 - f. parks;
 - g. playgrounds;
 - h. recreation center buildings;
 - i. sports facilities;

- j. swimming pools;
 - k. tennis courts;
 - l. walking and jogging tracks; and
 - m. any similar public use areas or buildings that provide recreational opportunities.
206. **“Pawn Shop”** means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.
207. **“Pending Ordinance”** means a City Code, Zoning Map, or General Plan amendment that has: (a) been reviewed by the Planning Commission in an open and public meeting and received a positive recommendation to the City Council; or (b) been first reviewed by the City Council and has been included or attached to a resolution indicating the Council’s intent to initiate proceedings to amend. A pending ordinance is binding any land use application or building permit application filed with the City prior to final approval of the pending ordinance by the City Council. If the City’s actions meet this definition, the City’s actions shall satisfy the requirements of Utah Code § 10-9a-509 as initiating a formal proceeding to amend this Title.
208. **“Performance Bond”** means a document:
- a. meeting the requirements of this Title;
 - b. guaranteeing completion of any improvements required in this Title;
 - c. accompanied by a Bond Agreement;
 - d. in an amount as specified in this Title;
 - e. on forms approved by the City; and
 - f. having the form of an escrow bond with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the City, or a letter of credit from a reputable, federally-insured financial institution.
209. **“Personal Service Establishment”** means an establishment which offers specialized goods and services to consumers including barbershops, beauty shops, hair salons, massage facilities, garment repair, pressing, tailoring, shoe repair, and other similar establishments not including dry cleaning.
210. **“Planned Unit Development (PUD)”** means a development under Chapter 19.07 located in a Planned Unit Development Overlay Zone where residential development is guided by a total design plan and where one or more of the land use ordinances or subdivision regulations, other than the land use designation, may be allowed in accordance with applicable standards found in Chapter 19.07 to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as specified in this Code.
211. **“Planning Commission”** means the City of Saratoga Springs Planning Commission.
212. **“Planning Director”** means the employee or designee responsible for all municipal planning activities including long-range land use planning, ordinance preparation, administration and enforcement of the land development code, land use interpretation, development review, coordination with the City Planning Commission, and any other responsibilities required by the City relating to planning and development.

213. **“Plant and Tree Nursery”:**
- a. means a facility used for the growing and the wholesale or retail sale of plants, trees, shrubs, flowers, ground covers, etc.; and
 - b. may also include sales of related products, including fertilizers, mulch, landscape decoration, etc.
214. **“Postal Center”** means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
215. **“Preliminary Plat”** means the initial formal plat of a proposed land division or subdivision and containing the information required by this Code.
216. **“Preschool”** means a non-residential building or structure where educational services are provided for preschool aged children, defined as six years of age and younger, on a regular basis for a fee.
217. **“Printing, Lithography, and Publishing Establishments”** means any commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including offset printing, lithography, web offset, flexography, and screen process printing.
218. **“Private Improvements”** means any open space, park space, club house, pool, tot lot, gazebo, picnic area, trails, or any other privately owned and maintained improvement provided in connection with subdivision, Conditional Uses, or site plan approval.
219. **“Private Kennel”:** see **“Kennel, private”**
220. **“Private Road”** means a thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations, and used or held for use primarily as a means of access to adjoining properties.
221. **“Produce Stand”** means a temporary roadside building or structure used for the seasonal retail sales of unprocessed fresh fruits, vegetables, flowers, herbs, plants, and other unprocessed agricultural food products. May also include cottage products produced from these agricultural food products such as honey, jam, and applesauce.
222. **“Project Plan”** means a map:
- a. prepared by a licensed Engineer, Surveyor, Landscape Architect, or Architect that illustrates the basic components of a proposed development; and
 - b. submitted with Conditional Use applications in cases where the submittal of a Site Plan is not required.
223. **“Property Owner”** means the owner in fee simple of real property as shown in the records of the Utah County Recorder’s Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of the foregoing.

224. **“Protected Open Space”** means open space, meeting the definition used in this Chapter, that is either placed in a conservation easement or listed as unbuildable on the recorded plat.
225. **“Protective Ground Cover”** means grasses, other living plants, or inorganic materials grown or placed to stabilize soils and protect against erosion and dust, and to minimize runoff onto adjacent properties.
226. **“Public Building”**: see **“Building, public”**
227. **“Public Building or Facilities (City Owned)”** includes:
- a. uses which may be housed in separate buildings or which may occupy a space within a building that are operated by the City of Saratoga Springs to serve public needs; and
 - b. public uses such as police, jail, fire service, ambulance, judicial court, government offices, library, cultural facility, recreation center, senior center, public utility stations, and maintenance facilities.
228. **“Public Improvements”** mean streets, curbs, gutters, sidewalks, water and sewer lines, storm drains, and other similar facilities which are required to be dedicated to the City in connection with subdivision, Conditional Uses, or Site Plan approval.
229. **“Public and Private Utility Building or Facility”** means a building, lot, or structure used or intended to be used by any public or private utility, including any:
- a. gas treatment plant reservoir, tank, or other storage facility;
 - b. water treatment plant, well, reservoir, tank, or other storage facility;
 - c. electric generating plant, distribution, or transmission substation;
 - d. telephone switching or other communications plant, earth station, or other receiving or transmission facility;
 - e. storm drainage facility including pipes, basins, tanks, or other facilities;
 - f. sewer treatment plant, reservoir, tank, or other storage facility;
 - g. storage yard for public or private utility equipment or vehicles; and
 - h. any parking lot for parking vehicles or automobiles to serve a public or private utility.
230. **“Public Right-of-Way”** means a road, street, alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.
231. **“Public School”**: See **“School, Public”**
232. **“Public Street”** means a tract of land which is an existing state, county, or municipal roadway, or is shown on a plat duly filed and recorded in the office of the County Recorder, or has been accepted by the City Council as part of a development project, and is for public use for the purpose of providing the following:
- a. a thoroughfare for public use, designed primarily for vehicular travel;
 - b. the principal means of access to abutting properties;

- c. installation of public utility service lines or pipes; and
 - d. drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally.
233. **“Reception Center”** means an establishment with facilities that are rented for either private or public gatherings which may also provide catering or entertainment services.
234. **“Recreation Center”**:
- a. means an establishment providing a variety of commercial recreation activities that are enclosed within a structure along with outdoor activities including one or more of the following: bowling, roller or ice skating, arcade games, billiards, miniature golf, amusement rides, slides and swimming pools, and related amusements; and
 - b. may include ancillary uses, such as the preparation and serving of food or the sale of equipment related to the enclosed uses.
235. **“Recreation Rentals”** means an establishment that specializes in the rental of outdoor recreation equipment or similar items and accessories.
236. **“Recreational Vehicle Sales”** means an establishment that sells motor homes, all-terrain vehicles, snowmobiles, watercraft, and other similar vehicles and accessories.
237. **“Recycling Facility”** means a location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including: scrap metals, paper, rags, tires, bottles, and other such materials.
238. **“Refueling Station, Private”** means a premise used for the limited-access refueling of vehicles with gasoline, diesel, or natural gas from fixed equipment into the fuel tanks of motor vehicles. Such premises do not include retail sale or public access, and do not include refueling located at a single dwelling unit and used only for the residents or guests of the dwelling. These refueling stations may or may not be automated without an attendant.
239. **“Refueling Station, Public”** means a retail building or premise used primarily for the sale of gasoline, diesel, or natural gas from fixed equipment to customers for the purposes of refueling customers’ vehicles, which may or may not be automated without an attendant. Such premises may also include the sale of food, drinks, or household products in an area not exceeding 200 square feet.
240. **“Research and Development”** means:
- a. an establishment which conducts research, development, or controlled production of high technology electronic, industrial, or scientific products or commodities for sale; or
 - b. laboratories conducting educational or medical research or testing.
241. **“Research and Development Uses, including Medical or Electronic Assembly and Manufacturing”**:
- a. means a use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals,

medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software; and

- b. includes as part of this use any offices, warehousing, wholesaling, and distribution of the finished products produced at the site.
242. **“Residential Density”** means the average number of dwellings on one acre of land in a given area.
- a. Net residential density is determined by dividing the total number of dwellings in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes.
 - b. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, sidewalks, park strips, landscaped islands local schools, local parks, and local shopping facilities, into the total number of dwellings in said area.
243. **“Residential Facilities for Elderly Persons”** means housing that provides a program of independent or assisted services to deal with the activities and instrumental activities of daily living for the elderly.
244. **“Residential Facility for Persons with a Disability”** means a residence that:
- a. meets the definition of Utah Code Section 10-9a-103;
 - b. treats persons with a “disability” as defined in Utah Code Section 10-9a-103; and
 - c. meets the requirements of Section 19.05.09 of this Title.
245. **“Restaurant, Takeout”** means a shop, store, or business no larger than 2,000 square feet with limited onsite seating and a more than 50% of business typically consisting of take-out.
246. **“Restaurant”** means an establishment that provides, as a principal use, foods and beverages prepared for consumption primarily on premise and may include a take-out or curbside service so long as such is not the principal use of the establishment.
247. **“Retail, Big Box”** means a singular retail or wholesale use, which occupies no less than 50,000 square feet of gross floor area, that may:
- a. require high parking to building area ratios;
 - b. have a regional sales market; and
 - c. include:
 - i. regional retail or wholesale sales; and
 - ii. membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.
248. **“Retail Sales”** means a place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer.
249. **“Retail, Specialty”**:
- a. means retail operations that specialize in one type or line of merchandise; and

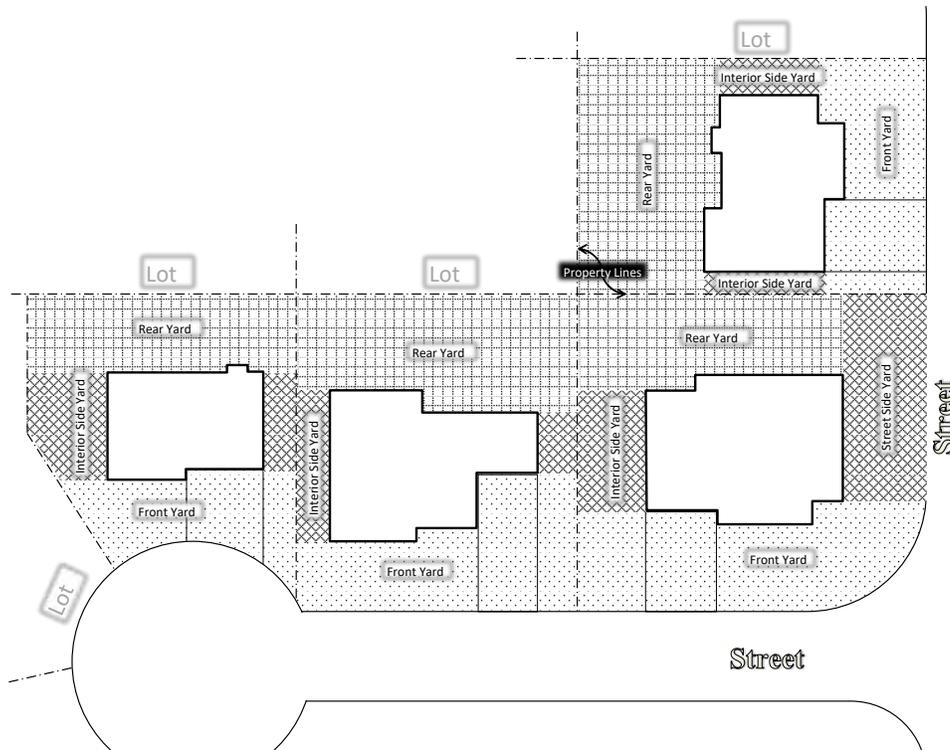
- b. may include apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.
250. **“Retail, Tobacco Specialty Store”** means a commercial establishment in which:
- a. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
 - b. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
 - c. the establishment is not licensed as a pharmacy under Utah Code Title 58, Chapter 17b, Pharmacy Practice Act.
251. **“Riding Arena, Commercial”** means commercial roping and riding arenas (unlighted), as well as commercial roping and riding arenas (lighted) which may or may not be totally enclosed within a structure.
252. **“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.
253. **“Road, Private”**: See **“Private Road.”**
254. **“Roadside Stand”**: See Produce Stand.
255. **“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.
 - 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.
256. **“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.
257. **“School, Public”** means an educational facility operated by a public school district as defined in the Utah State Code.
258. **“School, Trade or Vocational”** means a post high school educational or vocational training facility.
259. **“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.

260. **“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, geologically sensitive areas, and the Jordan River Erosion Hazard Area as identified in Figure 25.4 in Section 19.25.06.
261. **“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.
262. **“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.
263. **“Side Yard”**: see **“Yard, side”**
264. **“Sidewalk”** means a passageway for pedestrians, excluding motor vehicles.
265. **“Single Family Dwelling”**: See **“Dwelling, Single Family.”**
266. **“Spa”** See **“Personal Service Establishment.”**
267. **“Stable”** means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.
268. **“Stacking”** means an area provided for vehicles waiting to go through a drive-thru lane.
269. **“Sexually Oriented Business”** is defined in 19.23.02.
270. **“Solar Panel”** means a panel designed to absorb the sun’s rays as a source of energy for generating electricity for a structure or other lawful purpose, and may or may not be connected to the power grid. This does not include individual low-voltage items that remain isolated and disconnected from a structure or power grid, such as solar-operated walkway lights or garden lights.
271. **“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, or on-site caretaker residence.
272. **“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.

273. **“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 or rentals.
274. **“Streets, Collector, Major, and Minor”**: see **“Collector street (major and minor)”**
275. **“Street, Local”**: see **“Local Street”**
276. **“Street, Public”**: see **“Public Street”**
277. **“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.
278. **“Structure Height”**: see **“Building Height”**
279. **“Subdivider”**: see **“Developer”**
280. **“Subdivision”** means any land that meets the definition of subdivision in Utah Code § 10-9a-103.
281. **“Swimming Pool”** means: a manufactured or field-constructed equipment designed to contain water on a permanent or semi-permanent basis and used for swimming, wading, immersion, or therapeutic purposes, that are constructed in the ground or partially in the ground, and/or all others that are capable of holding water with a depth greater than 42 inches (1067 mm), and all pools installed inside a building regardless of water depth.
282. **Swimming Pool, Community**” refers to a pool that is open to a limited public through membership, such as an HOA or club.
283. **“Swimming Pool, Private”** means a pool on an individual residential lot intended for primary use by the occupants of that lot.
284. **“Swimming Pool, Public”** refers to a pool that is open to the general public, with or without a fee.
285. **“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.
286. **“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.
287. **“Temporary Use”** means a use that is associated with a holiday or special event for a limited duration of time, including Outdoor Seasonal Sales.

288. **“Temporary Use Trailer, Portable, Prefabricated or Manufactured Building”** A mobile trailer, portable, or prefabricated or manufactured building used to conduct all or some of a business before or after issuance of a certificate of occupancy for the permanent primary building all of which are prohibited anywhere in the City.
289. **“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.
290. **“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.
291. **“Trail”** means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.
292. **“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.
293. **“Utah Lake Compromise Line”** means the line created by Utah Lake at full capacity with an elevation measuring 4,489 feet above sea level as identified by the Utah Lake Boundary Commission.
294. **“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.
295. **“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.
296. **“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.
297. **“Water Utility Ordinance”** means the City of Saratoga Springs’ adopted water utility ordinance.
298. **“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.
299. **“Wireless Telecommunication Equipment”** means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.
300. **“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.
301. **“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.
302. **“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.
303. **“Yard, Side”**
- a. Interior side yard: means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and
 - b. Street side yard: means a yard between the street side lot line and the side façade of a main building on a corner lot, extending from the front yard to the rear lot line, as illustrated in Figure 2.2 below.



304. **“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. 20-28, Ord. 20-07, Ord. 19-38, Ord 19-17, Ord 19-11, Ord. 18-30, Ord. 17-27, Ord. 17-14, Ord. 17-08, Ord. 16-17, Ord. 16-01, Ord. 15-29, Ord. 15-21, Ord 15-17, Ord. 14-23-1, Ord. 14-13, Ord. 14-4, Ord. 14-1, Ord. 13-22, Ord. 13-16, Ord. 13-7, Ord. 12-15, Ord. 12-9, Ord. 11-9)