

Chapter 19.05. Supplementary Regulations.

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19.05.01. Purpose.

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

(Ord. 17-17)

19.05.02. General Supplemental Regulations.

- 1. Semi-Private Recreation Clubs.** The Planning Commission may permit, as a Conditional Use, the use of land in any zone for semi-private swimming clubs, tennis courts, or other recreational facilities providing that in all such cases, the following conditions are met:
 - a. the facilities shall be owned and maintained by the members; and
 - b. a minimum of seventy-five percent of the membership must be residents of the neighborhood or section of the subdivision.
- 2. Yard Space, Open Space, Setbacks, and Other Requirements for One Building Only.** Required yards or open space around an existing building shall not be considered as providing yard or open space for any other building for the purpose of complying with

the provisions of this Title. In addition, yards or other open space on an adjoining lot shall not be considered as providing a yard or open space on a lot whereon a building is to be erected or established. Areas needed to meet the width, depth, yard, area, parking, or other requirements of this Title for a lot or building may not be sold or leased away from such lot or building.

3. **Every Dwelling on a Lot.** Every dwelling structure shall be located and maintained on a separate lot or parcel having no less than the minimum area, width, depth, and frontage required by this Title for the zone in which the dwelling structure is located, except that group dwelling complexes or other more flexible requirements as permitted by this Title, may vary from this requirement.
 - a. Lots or parcels for which a development permit has been issued or for which a subdivision has received preliminary plat approval, and for which on-site development activity has begun, may no longer obtain a building permit for a dwelling based upon the original lot.
 - b. Lots or parcels for which preliminary plat approval has been given, but which development permit has either expired or been vacated by request of the property owner, may again obtain a building permit for the original lot.
4. **Lot Standards.** Except as otherwise provided in this Title, every lot within the City shall have such area and the required frontage upon a dedicated public or approved private street, as is required in this Title, before a building permit may be issued.
5. **Exceptions to Building Height Limitations.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, fire, or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, theater lofts, silos, solar collectors, solar louvers and reflectors, or similar structures may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for purposes of providing additional floor space, nor shall it provide for human occupancy.
6. **Approval of Culinary Water Supply and Sewage Disposal Required.** Where either a supply of piped water under pressure, approved for use by the City, or a connection to an approved sanitary sewer system is not available, no building permit shall be issued until the proposed plan for sewage disposal and the proposed source of water supply has been approved by the City of Saratoga Springs and County Health Department.
7. **Buildings in Flood Plain.** All buildings and structures intended for human occupancy shall be constructed at least one (1) foot above the base flood elevation of Zone A as defined on the FEMA Flood Insurance Map.
8. **Effect of Transportation Master Plan on Location of Structures.** No building lot shall be created and no structure shall be erected within the location of a proposed street, road,

highway, or right-of-way as shown on the City's currently-approved Transportation Master Plan.

9. **Location of Agricultural Accessory Structures.** Except as otherwise provided in Title 19, no barn, silo, equipment shed, storage building, or similar accessory building to an agricultural use of land may be constructed or relocated closer than ten feet to any side or rear boundary line or closer than 100 feet to any public street or any dwelling on adjacent properties. Reductions to the 100 foot requirement may be granted by the Planning Commission on a case-by-case basis through a conditional use permit using the process and criteria outlined in Chapter 19.15.
10. **Minimum Height of Dwellings.** In those zones allowing dwellings, no dwelling shall be erected where more than ten percent of its main floor area is, or will be, below the finished surface grade. No basement houses shall be permitted.
11. **Property Access Requirements.** No building permit shall be issued for a building that is to be constructed on a lot or parcel that does not either abut a dedicated public street or highway or a private roadway to allow for police, fire, and emergency services.
12. **Height of Accessory Buildings.** In all zones except for the A, RA-5, and RR zones, no accessory building shall be taller than any main structure or dwelling.
13. **Substandard Lots.** The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the use of a single-family dwelling on any lot or parcel of land in the event that such lot has been held in separate ownership since adoption of these regulations and meets the definition of nonconforming use or structure in the Utah Code.
14. **Swimming Pool (private).** Private swimming pools may be allowed in any residential zone as an accessory use if the following requirements are met:
 - a. it is an accessory use in a residential zone and is located within a side or rear yard;
 - b. it is intended and is to be used solely for the enjoyment of the occupants and guests of dwelling or dwellings on the property on which it is located;
 - c. it may not be located closer than five feet to any property line of the property on which it is located;
 - d. shall not be located within any public utility easement;
 - e. the swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. Where a swimming pool is located less than thirty feet from any property line, the pool shall be enclosed within a view obstructing wall or fence not less than six feet in height. Vegetation on or near a fence or wall shall not be considered view obstructing. All gates on said fences shall be fitted with a latching device located on the interior side of the gate;

- f. where a swimming pool is completely enclosed in a building, the location requirements for accessory and main buildings shall apply. Where a swimming pool is to be located in the near vicinity of any septic tank or sewage disposal drain field, the location must be approved by the Utah County Health Department; and
- g. any pool lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents.

15. **Sports Court (private).** No sports court shall be allowed in any zone except as an accessory use and unless it complies with the following conditions and requirements:

- a. it is an accessory use to a main building and is located within the side or rear yard thereof;
- b. it is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
- c. it may not be located closer than five feet to any property line of the property on which it is located.
- d. in a corner lot where the rear lot line is coterminous with a side lot line of an adjoining lot, it shall be located not less than twenty feet from such lot line;
- e. any court lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents; and
- f. the hours of operation shall be from 8:00 a.m. to 10:00 p.m.

16. **Skateboard Ramp (private).** No skateboard ramp shall be allowed in any zone in the City except as an accessory use and unless it complies with the following conditions and requirements:

- a. it is an accessory use to a main building and is located within the side or rear yard thereof;
- b. it is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located. No commercial or advertised use of the ramp shall be permitted and no donations or contributions shall be solicited or received for use of or attendance at ramp activities;
- c. it may not be located closer than twenty feet to any property line of the property on which it is located. It shall be not less than thirty feet from any neighbor's dwelling or twenty feet from any side lot line of any adjacent vacant lot;
- d. on a corner lot where the rear lot line is coterminous with a side lot line of an adjacent lot, it shall be located not less than twenty feet from such lot line;
- e. the hours of operation shall be from 8:00 a.m. to 10:00 p.m.;
- f. ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents;
- g. the ramp shall be of such a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with ramp usage. Portions of the ramp may be located below ground level, but in

no case shall any portion of the ramp exceed six feet in height above ground level, excluding handrails. The ramp shall comply with all pertinent sections of the Building Code and all land use requirements of accessory structures and a building permit shall be obtained; and

- h. the ramp must be inside an enclosure or within an enclosed yard.
17. **Private Spas.** A private spa is an accessory use to a main building and shall be located within the side or rear yard thereof.
18. **Structure located within a Public Utility Easement.** On a case by case basis the City Engineer, City Building Official, and Planning Director may consider allowing a permanent structure within a public utility easement. This applies to buildings and structures requiring a building permit according to the International Building Code, and in-ground construction such as pools. The applicant will be required to obtain a waiver letter from each affected utility company including the City of Saratoga Springs. The applicant will also be required to sign a deed restriction/affidavit form which indicates that these restrictions run with the land. This document will be recorded prior to City approval and issuance of a building permit.
- a. Structures not requiring a building permit according to the International Building Code are subject to the requirements of Section 19.05.11.
19. **Model Homes.** Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer. Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

(Ord. 17-17, Ord. 15-29, Ord. 15-17, Ord. 14-23, Ord. 14-22, Ord. 14-4)

19.05.03. Wireless Telecommunication Equipment.

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

drawing straight lines around the outermost portions of the antennas until enclosed.

- d. All equipment associated with the use, excluding the antenna, must be screened by a view obstructing structure.
- e. If the associated equipment is located on the ground it must be appropriately landscaped.

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

- a. roof mounted antennas must be set back from the front building edge one foot for every one foot of antenna height to a maximum of ten feet; and
- b. if possible and feasible, roof mounted antennas shall co-locate on City-owned buildings and structures.

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

- a. Proliferation minimized. No new mono-pole or other free-standing structure shall be approved unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure.
- b. Mono-pole towers. Mono-pole towers are required to obtain Conditional Use approval prior to construction.
- c. Antennae within the right-of-way and on top of sports field lighting.
 - i. Mono-poles are not permitted within a public or private right-of-way.
 - ii. Antennae may be located on top of existing light poles or power poles, subject to a conditional use permit.
 - 1. The maximum height of the antennae shall not exceed ten feet above the height of the existing pole in the right-of-way or 15' above the height of the existing pole in other locations.
 - a. In the event the pole needs to be replaced, light fixtures on replacement poles shall be placed at the original height, and shall meet all other City standards.
 - 2. Antennae located on light poles or power poles shall not extend outward more than four feet from the pole.
 - iii. When antennae are located on top of an existing light pole or power pole, they shall not be closer than 250' to each other.
- d. City Property. Mono-poles may be allowed on City property at the City's sole discretion. The applicant must apply for a Conditional Use Permit and sign a lease agreement on a form approved by the City Attorney.
- e. Other free-standing structures. Free-standing antennae or towers are required to obtain Conditional Use approval prior to construction.

- f. Camouflage. Where buildings, trees, or other large objects are present, all new mono-pole and other free-standing structures shall use stealth design, meaning camouflaged to blend in with said buildings, trees and other large objects.
 - i. Camouflage design shall be reviewed by the Development Review Committee for compatibility with surrounding structures and final approval granted by the Land Use Authority, based on the following criteria.
 - 1. The design shall include elements from nearby surroundings and shall blend in.
- g. Co-location on existing mono-pole towers is a permitted use in any land use zone. However, if the compound area needs to be expanded to handle additional equipment and the site is located in a land use zone that requires mono-pole towers to get a Conditional Use permit, then the expansion is also a Conditional Use.
- h. Height. The maximum height for free-standing antennae or mono-pole towers shall be based on the property size as follows:

Property Size	Maximum Height of tower
up to 1 acre	defer to maximum height for each zone
1 to 5 acres	80 feet
5+ acres	100 feet

- i. The maximum height limits include the height of any structure on which the free-standing antennae or mono-pole may be located, and any lightning poles or other items attached to the antennae or mono-pole.
- i. Location/Minimum lot size.
 - i. Residential zones: Mono-pole towers may be located in residential zones or on parcels designated for residential land use by the General Plan in limited locations as listed below. All other locations within residential zones are prohibited.
 - 1. School sites that are 5 acres in size or greater.
 - 2. Parks that are 5 acres in size or greater.
 - 3. Public Building sites and Public utility sites that are 1 acre in size or greater.
 - a. Meter collectors and repeaters shall be allowed on any size lot.
 - 4. Within or adjacent to transmission powerline corridors on properties that are one acre or greater in size. Adjacent properties shall hereby be defined as property that is abutting the powerline corridor. The mono-pole shall be located within 120 feet of the powerline corridor.
 - ii. Non-residential zones: mono-poles may be located in non-residential zones within properties that are one acre or greater in size.

- j. Setbacks:
 - i. Mono-poles shall comply with the setback requirements of the underlying zone.
 - ii. When located in a residential zone or on a non-residential lot that is adjacent to residential zones, development, or property designated for residential land use by the general plan, monopoles shall be a minimum of 200 feet from the property line abutting residential uses. This will allow for adequate separation from residential development.
- k. Spacing. No mono-pole shall be approved within 1000 feet of another mono-pole, except those within 120 feet of or adjacent to existing transmission powerline corridors. This is permitted because mono-poles will blend in with the power poles.
- l. Antennae extensions. The antennae shall not extend outward further than four feet from the monopole (8 foot diameter around the pole) or 6 feet (12 foot diameter around the pole) if a solid shield style design is used, rather than individual exposed antennae.
- m. Climbing pegs. After installation the climbing pegs within the first 20 feet to the ground shall be removed for safety purposes.
- n. Site and architectural design:
 - i. Buildings housing cell tower equipment are exempt from Chapter 19.16.
 - ii. Buildings housing cell tower equipment shall be constructed of masonry and include an anti-graffiti coating.
 - iii. Buildings housing cell tower equipment shall include a minimum of a 4:12 gabled pitched roof.
 - iv. Building colors shall be earth-tones.
 - v. Lattice towers greater than 35 feet are prohibited.
 - vi. Portable towers are prohibited unless approved through a special event permit.

- 4. **Ham radio towers.** Ham radio towers or any other radio or antennae facilities are regulated by the FCC as well as individual homeowners associations (HOA's) through restrictive covenants or other regulating documents.

(Ord. 17-27, Ord. 16-17)

19.05.04. Non-Depository Institution.

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

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

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

Farm animals, as defined in Section 19.02.02, are permitted in the A, RA-5, and RR land use zone on lots at least $\frac{3}{4}$ of an acre in size subject to the following regulations:

1. No large or medium farm animals shall be kept within sixty feet of any dwelling or within thirty feet of any zone boundary that prohibits such use.
2. Large animals may be kept at a ratio of two animals for each $\frac{1}{2}$ acre of lot size; medium animals may be kept at a ratio of five animals for each $\frac{1}{2}$ acre of lot size; and small animals may be kept at a ratio of twenty animals for each $\frac{1}{2}$ acre of lot size.
3. Partially enclosed (and roofed) structures may be provided and maintained for all animals. Such structures shall be sited at the rear of the main dwelling and at least seventy-five feet from any dwelling, comply with all other setback and yard regulations of the zone and shall comply with the requirements of the Utah County Health Department.

4. For the purpose of calculating the correct ratio of animals to property size, no increment smaller than $\frac{1}{2}$ acre will be considered. For instance, a $\frac{3}{4}$ acre lot is only allowed to have two large animals since the property only contains one $\frac{1}{2}$ acre increment. Approved Equestrian Centers may exceed the provisions of this Section with respect to the number of animals permitted on the premises at any given time as per specific conditions that will be provided with the Conditional Use approval of each individual facility.

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

1. Residents in the R-2 and R-3 zones may keep and maintain chickens on their property subject to the requirements of this Section and any other applicable provision of this Code. This Section prohibits the keeping of other fowl (e.g. pheasants, turkeys, peacocks, etc.). Keeping of chickens shall be permitted within the R-2 and R-3 zones; however, this ordinance does not supersede any covenants, conditions, restrictions (CC&Rs), bylaws, or other protective covenants of any subdivision.
2. The guidelines and requirements of this Section are intended to:
 - a. minimize nuisance to neighboring property owners;
 - b. prevent rodent, insect, vermin, and pest proliferation;
 - c. prevent the spread of disease; and
 - d. allow residents to provide for themselves and produce food for the exclusive benefit of their families.
3. The following standards of care are required where the provisions of this Section apply:
 - a. Hen chickens (but not roosters) may be kept on a non-nuisance basis for the sole purpose of producing eggs, with no sale or income resulting from the keeping of chickens. For purposes of this Subsection only, chickens adversely affecting the physical health, which physical health condition must be documented, of an individual of an adjacent lot owner shall be considered a nuisance.
 - b. Up to ten hen chickens may be kept on any one lot or parcel.
 - c. Chickens may be kept on properties containing a single family dwelling only.
 - d. Chickens shall be confined within a secure outdoor enclosed area. A fenced back yard does not meet this requirement.
 - e. All enclosures, pens, coops, and run areas shall be maintained in good condition so as to keep it rodent and predator resistant from all sides, including burrowing.
 - f. Manure and odor producing excrement shall be removed from all enclosures, pens, coops and run areas as necessary to prevent any odor detectable at a property line. Furthermore, such manure and excrement shall be bagged and disposed of properly, and onsite composting of such shall be prohibited.
 - g. All enclosures, pens, coops, and run areas shall be kept and maintained in a clean and sanitary condition.
 - h. All enclosures, pens, coops, and run areas shall be located to the rear of the main

dwelling or in an interior side yard. There shall be no visible evidence of chickens from neighboring properties from ground level. All enclosures, pens, coops, run areas, or compost piles which may contain chicken waste shall be located at least ten feet from any property line, six feet from the main dwelling on the property, and at least thirty feet from the nearest residential dwelling on adjoining properties.

- i. All animal food storage shall be completely secured from insects, rodents, and other vermin.
 - j. Clean water shall be available to the chickens at all times.
 - k. Dead birds or rotting eggs shall be removed within ten hours and in accordance with Title 9 of the City Code.
 - l. Slaughtering of chickens shall not be visible to adjoining property owners or the public. Section 9.01.09 of the City Code shall not be applicable to the slaughtering of chickens as long as such slaughtering is done in a humane manner.
4. The following standards for Runs, Structures, and Coops shall apply:
- a. Keeping of chickens shall require construction and utilization of a run area and a coop. The coop shall be constructed to provide adequate shelter and space for chickens to roost. Run areas shall be connected to the coop and provide some method by which chickens are not allowed to roam freely beyond the run area. This would include the possibility of flying out of the run area. Run areas must also prevent intrusion, including burrowing, from predatory animals.
 - b. Structures and coops used for keeping and feeding chickens shall be designed and constructed as follows:
 - i. with solid walls on all sides, exclusive of openings for animals and access to animals;
 - ii. with a solid roof;
 - iii. so as to prevent intrusion, including burrowing from all types of rodents, vermin, and predatory animals;
 - iv. that they resemble typical accessory buildings and are not unsightly;
 - v. using building materials and coloration compliant with requirements within subdivision CC&Rs or, if there are no such CC&Rs, consistent with the materials used for the primary residence; and
 - vi. that they be appropriately secured or anchored to the ground.
 - c. For structures or coops of large enough size, or those being altered, that would require a building permit, the owner shall apply for and be issued a permit by the City prior to construction or alteration.
 - d. Any electrical installation for a structure or coop must comply with current electrical codes.

19.05.07. Outdoor Vending Machines.

1. Two outdoor vending machines are allowed per parcel.

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

19.05.08. Beekeeping.

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

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

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

5. Flyways.

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

6. Water.

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

7. Removal of Beekeeping Equipment.

- a. A property owner shall ensure that no bee comb, beehive, or other beekeeping equipment is left upon the grounds where a beehive has been maintained.
- b. Upon discontinuance or removal of a beehive, all beekeeping equipment shall be disposed of within 30 days in a sealed container or placed within a building or other bee-proof enclosure.

19.05.09. Residential Facilities for Persons with a Disability.

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

- i. Provide a certified copy of such license to the City Planner and Recorder;
 - ii. Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act; and
 - iii. Certify, in a sworn affidavit submitted with the application for a business license, that no person will remain in the facility whose behavior has demonstrated a direct threat to the health or safety of other individuals or whose behavior has resulted in substantial physical damage to the property of others.
 - e. The use permitted by this section is nontransferable and shall terminate if:
 - i. A facility is used other than a residential facility for persons with a disability;
 - ii. The license or certification issued by the department of human services or department of health terminates or is revoked; or
 - iii. The facility fails to comply with the conditions set forth in this section.
 - f. In all zones that allow residential uses, no residential facility for persons with a disability shall exceed eight residents, not including staff or the family that owns the residence.
 - g. No residential facility for persons with a disability shall be permitted in a zone that does not permit residential uses.
- 5. Reasonable Accommodations. None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
 - a. Any person or entity who wishes to request a reasonable accommodation shall make application to the Hearing Examiner. Such application shall specifically articulate, in writing, the following:
 - i. The name, mailing address, and phone number of the applicant;
 - ii. The nature and extent of the disability;
 - iii. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 - iv. The applicant's proposed reasonable accommodation;
 - v. A statement detailing why a reasonable accommodation is necessary; and
 - vi. The physical address of the property where the person with a disability intends on living.
 - b. When considering whether or not to grant a reasonable accommodation, the Hearing Examiner shall use the following factors:
 - i. The zoning regulations applicable to the property;
 - ii. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
 - iii. Whether or not the accommodation will be an undue burden or expense to the City;
 - iv. The extent that the accommodation will or will not benefit the applicant;
 - v. The extent that the accommodation will or will not benefit the community;

- vi. Whether the accommodation fundamentally alters the City-wide Land Development Code and General Plan;
 - vii. Whether the applicant demonstrated that the accommodation will affirmatively enhance the applicant's use of his property or ameliorate the effects of the persons' disability;
 - viii. Without the accommodation, whether similar housing is available in Saratoga Springs for the persons with a disability; and
 - ix. Given the scope of the accommodation requested, what the impact is on the immediate neighborhood.
- c. Written findings and conclusions of the Hearing Examiner's decision shall be sent to the applicant within thirty days of the decision; and
 - d. If a request for a reasonable accommodation is denied, the decision may be appealed directly to district court.

(Ord. 17-17)

19.05.10. Temporary Uses.

- 1. Purpose and Intent.** The purpose and intent of the Temporary Use section is to allow certain uses within the City of Saratoga Springs which are temporary, or seasonal in nature, in a manner that such uses will be compatible with the land use zone and adjacent properties. A Temporary Use, which is subject to the provisions in this Section, is a commercial business venture for which a business license is required.
- 2. Uses:** the following are acceptable Temporary Uses, as defined in Section 19.02.02:
 - a. Produce Stand or Farmers Market
 - b. Fireworks Stand*
 - c. Christmas Tree Lot
 - d. Snow Shack or Ice Cream Vendor, fixed location*
 - e. Snow Shack or Ice Cream Vendor, motorized**
 - f. Pumpkin Patch
 - g. Festivals including Bazaars or Fairs*
 - h. Temporary Retail (tent or sidewalk sale)*
 - i. Mobile Food Vendors*

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

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

- 3. Standards for Temporary Uses.** A Temporary Use shall comply with the general standards as provided within this section:
- a. All Temporary uses except for roadside stands require a paved surface on site. Temporary road base installed in compliance with the City Standard Technical Specifications and Drawings shall qualify as a paved surface, shall be capable of supporting a minimum of 75,000 pounds on all driving and parking surfaces, and shall be removed immediately upon completion of the Temporary use unless occurring as part of a separate development permit.
 - b. All Temporary uses except roadside stands are required to provide sanitary facilities for waste disposal for protection of community health and safety. This may be met through agreement with a host business or through temporary restroom facilities.
 - c. All temporary uses shall provide a receptacle for garbage, and shall be responsible for garbage removal.
 - d. Night lighting shall be compatible with adjacent uses. This requires all lighting to be shielded and directed downward to avoid light spill onto adjacent properties.
 - e. All signs must comply with City adopted sign regulations.
 - f. A use and/or display may not be placed within the right-of-way or on any landscaped area.
 - g. No temporary use may occur within the clear view triangle of any intersection.
 - h. No more than one temporary use is allowed per lot or parcel at any one time, including those approved by the Planning Commission.
 - i. When electricity will be utilized, an electrical permit must be obtained from the Building Department prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
 - j. Accessibility requirements must be addressed with the Building Department prior to any sales occurring.
 - k. Where required, Health Department approval shall be provided prior to operation.
 - l. Where temporary structures are proposed, an inspection with the Fire Department is required prior to any sales occurring or prior to persons occupying the structure, whichever occurs earliest.
 - m. Hours of operation shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.
 - n. All temporary uses requesting temporary access from a public road shall obtain written permission from UDOT for state roads, and from the City Engineer for all other public roads.
 - i. A traffic study and safety mitigation may be required, including appropriate acceleration and deceleration areas.
 - ii. No curb or park strip shall be driven over unless temporary bridging is provided and approved by the City Engineer to prevent damage to the curb or park strip.

4. Additional Standards for Mobile Food Vendors:

- a. A mobile food vendor shall be permitted only on private property with property owner approval, or on public property with the approval of the City.
 - b. Mobile food vendors shall not be parked for more than 8 hours in a day in any one location without express written permission from the City.
 - c. Mobile food vendors shall not be parked on a street or driveway, nor in a manner that impedes vehicular and pedestrian traffic flow or public safety. A minimum clearance of 15 feet must be kept between the mobile food vendor and any fire hydrants, utility boxes, sidewalks, ADA ramps, or building entrances.
 - d. At no time may the mobile food vendor serve food to vehicles in a drive through manner or while the mobile food vendor vehicle is in motion.
 - e. Mobile food vendors must be parked a minimum of 200 feet from residential property or must have the permission of residential property owners within the prohibited area.
5. **Planning Commission Review.** When considered appropriate by the Planning Director, a Temporary Use may be referred to the Planning Commission for review.
6. **Permit Required.** A Temporary Use Permit and Business License shall be required for all Temporary Uses.
7. **Application for a Temporary Use Permit.** An application for a Temporary Use Permit shall be made to the Planning Department, in conjunction with a business license, at least 14 days prior to the date of requested use. No Temporary Use Permit shall be issued more than 90 days prior to the start of the Temporary Use period. The Planning Department may issue or deny the application for a Temporary Use Permit based on the criteria herein.
8. **Information Required for Application.** An application for a Temporary Use Permit shall be accompanied by the following:
 - a. Description. A written description of the proposed use including requested length of permit, location(s), structure or vehicle type, date(s) and hour(s) of operation, and any other information verifying compliance with the standards of this Code.
 - b. Authorization for Use. If the applicant is not the owner of the property, the ownership shall be identified along with written evidence of permission of the owner for such use to take place, dated no more than three months prior to the application.
 - c. If applicable, written approval from required brick-and-mortar businesses.
 - d. Site Review. A vicinity map and site plan with sufficient information to determine the primary use of the property and the required site requirements, sanitary facilities, and availability of parking to serve the uses.
 - e. Applicable fees.
9. **Duration of Temporary Use Permit.**

- a. Produce stand, farmers market, snow shack, or ice cream vendor is allowed for a period not to exceed five months in a calendar year.
 - b. A Christmas tree lot is allowed for a period not to exceed forty-five days each calendar year.
 - c. A fireworks stand, pumpkin patch, festivals including bazaars or fairs, and temporary retail are allowed for forty-five days.
 - d. A Mobile Food Vendor is allowed for a maximum of four days per month over a period of time not exceeding twelve months in a single permit. Locations and dates for the duration of the permit shall be provided at time of permit application.
10. **Renewal of Temporary Use Permit.** The application fee shall be reduced by 50% for all previously approved Temporary Use Permits requesting renewal that have not altered their proposal in terms of scope, layout, intensity, duration, or location(s) from the previously approved permit.
11. **Bond Required.** All temporary uses on shall post a \$500 cash bond to ensure the clean-up of the property after the use is removed.
- a. Mobile food vendors may choose to post a bond on an annual basis rather than a per-permit basis to cover all days of operation within a specified time period.
 - b. After the temporary use commences, the applicant may request an inspection by the City. Following this inspection, the bond shall be reduced by up to 50% upon finding that the use is in general compliance with the standards of this Code.
12. **Revocation of Temporary Use Permit.** A Temporary Use Permit may be revoked by the Planning Director in accordance with the provisions of this section if the recipient of the permit fails to develop or maintain the property in accordance with the plans submitted, the requirements of this section, or any additional requirements lawfully imposed in connection with the issuance of the Temporary Use permit.

(Ord. 18-30, Ord. 17-14, Ord. 16-17, Ord. 14-13, Ord. 14-4)

19.05.11. Accessory Buildings in Residential Development.

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

1. All accessory buildings shall meet the following standards:
 - a. In all zones except for the A, RA-5, and RR zones, shall not be taller than any main structure or dwelling for buildings with a building permit, or fifteen feet for buildings not requiring a building permit;
 - b. shall be of color and construction compatible with and similar to the primary structure; and
 - c. shall be regularly maintained in a clean and well-kept manner; and
 - d. shall not drain onto adjacent properties or onto public property; and

- e. shall not be located in a required clear view triangle as outlined in Section 19.06; and
 - f. shall have a minimum twenty foot long driveway if housing a car, truck, RV, or other automobile.
2. Accessory buildings requiring a building permit according to the International Building Code:
 - a. shall meet the accessory building setbacks identified in the applicable zone district, and
 - b. shall not occupy more than 30% of any side or rear yard, subject to the lot coverage limitations of the applicable zone district.
3. Accessory buildings not requiring a building permit according to the International Building Code shall not be required to meet interior side yard and rear yard setbacks, and street-side yard setbacks for corner lots where the rear property line abuts the rear property line of the adjacent lot. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. If placed within a required setback, such buildings:
 - a. are placed at the property owners' risk per Utah Code Chapter 54-3; and
 - b. shall have a maximum height of ten feet, as measured from the finished grade of the surface directly beneath the building to the highest point of the building roof; and
 - c. shall not have openings facing adjoining properties; and
 - d. shall have minimum one-hour fire rated construction for surfaces facing adjoining properties; and
 - e. shall not be used for the housing of animals or birds; and
 - f. if within the street side-yard setback, shall not have openings facing the street side property line.

19.05.12. Solar Panels.

1. Solar panels installed in residential zones shall meet the following standards:
 - a. Roof mounted panels designed for residential use shall be used. No commercial grade panels may be installed on a roof.
 - b. Ground-mounted panels shall:
 - i. be located only in rear yards and interior side yards, and
 - ii. comply with lot coverage limitations, and
 - iii. not exceed fifteen feet in height as measured from established grade to the highest point of any panel or panel structure, and
 - iv. be located behind an opaque fence or wall a minimum of six feet in height.
 - c. Panels shall be designed to minimize reflection.

- d. Panels and panel systems that are designed to be tied into the utility grid shall be installed and connected by a licensed photovoltaic contractor, in compliance with the National Electrical Code.
2. Solar panels installed in non-residential zones shall meet the following standards:
 - a. Ground-mounted panels shall:
 - i. meet all building height, setbacks, and lot coverage limitations, and
 - ii. not obstruct required landscaping.
 - b. Panels shall be designed to minimize reflection.
 - c. Panels and panel systems that are designed to be tied into the utility grid shall be installed and connected by a licensed photovoltaic contractor, in compliance with the National Electrical Code.

(Ord. 15-21)

19.05.13. Edge Uses.

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

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

19.05.14. Temporary Subdivision Sales Trailers.

1. One temporary sales trailer may be granted per preliminary or final plat so long as it complies with the standards in this Section. Failure to comply with any of the standards herein shall be considered justification for the revocation of the permit by City Staff. An applicant must receive a permit for a subdivision sales trailer from the Planning Director, who is designated as the land use authority, and a building permit from the Building Official. Any of the standards below do not replace or limit any building or fire codes adopted by the City. In the event of a conflict, the more restrictive standard shall apply. The following are the specific land use standards for a temporary subdivision sales trailer:

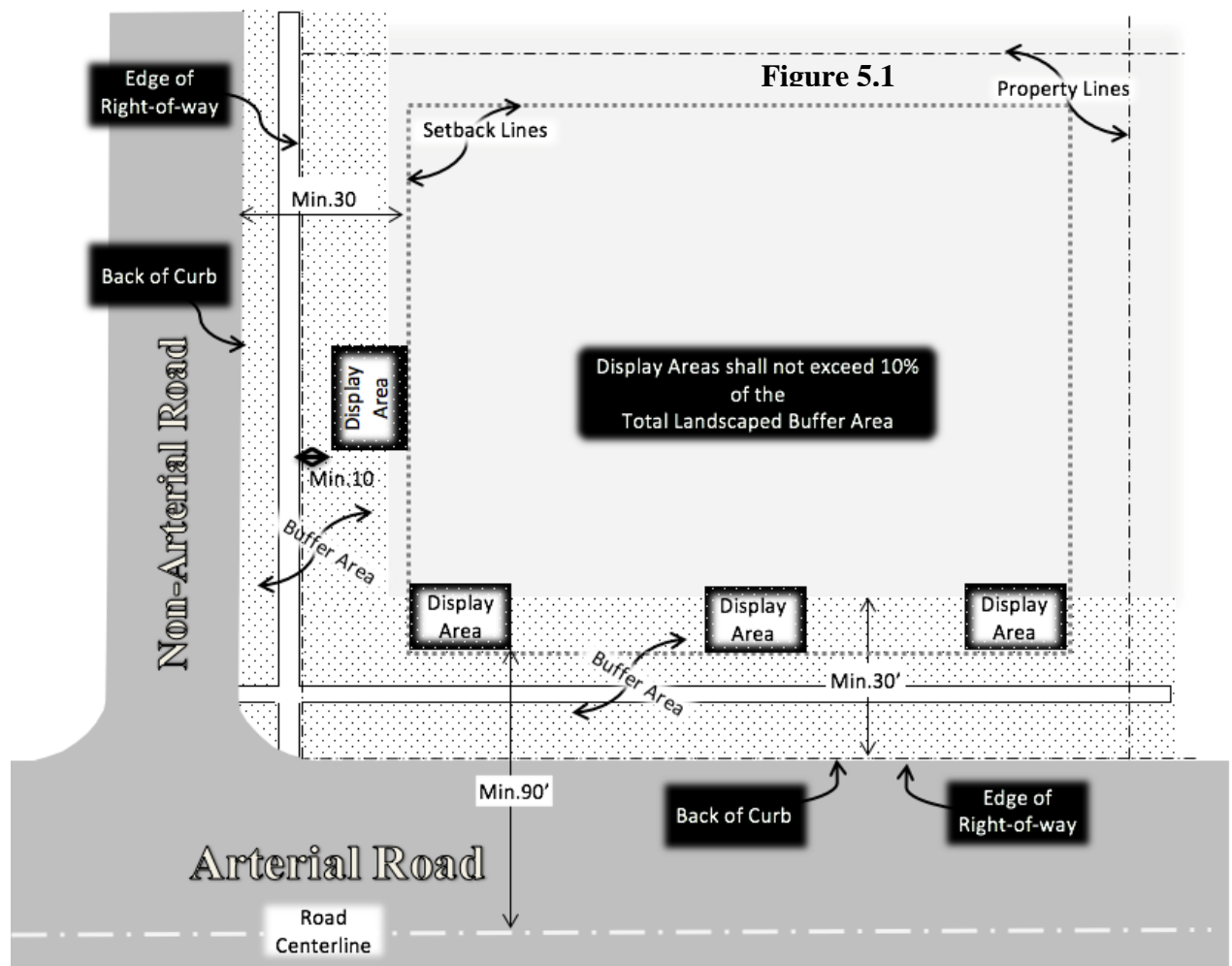
- a. The sales trailer must be located in a subdivision of not less than five acres in total acreage. The trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots.
- b. Sales trailers that are off-site from the project area are prohibited.
- c. Sales trailers are not permitted in subdivisions which also have an operational model home; sales trailers approved prior to a model home shall be removed within thirty days of a model home beginning operation.
- d. Sales trailers must be located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines.
- e. Water, power, and sewer services shall be available to service the sales trailer. Sales trailers that are accessible to the public or any employee must have bathroom facilities within the sales trailer.
- f. The sales trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official.
- g. The sales trailer must have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to permit issuance.
- h. At the time of permit issuance, a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site.
- i. No sales trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months.
 - i. Within this twelve month period, sales trailers shall be removed within thirty days of the expiration of the occupancy permit, or after issuance of the final certificate of occupancy in the development, or after approved construction activity ceases, whichever is shorter.
 - ii. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period.
- j. A signage plan shall be submitted with any application and must be in compliance with the City's ordinances governing signs.
- k. If construction does not begin within 180 days of issuance of the permit, the permit shall expire per the International Building Code.

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

19.05.15. Vehicle Sales.

1. Uses identified as any type of outdoor vehicle sales shall meet the additional standards below, as shown in Figures 5.1 and 5.2.
 - a. Landscaped buffer. Parking and sales lots shall be separated from adjacent roadways by a minimum 30-foot wide landscaped buffer area, as measured from back of curb. The buffer area may include required setbacks, ROW, walkways, sidewalks, and park strips.
 - b. Screening. Parking lots and large doors shall be placed behind a landscaped berm or screen wall with a minimum height of 3 feet installed in the landscaped buffer.

- c. Arterials. Along arterial roadways, parking and sales lots shall be set back a minimum of 90 feet from the Right of Way centerline.
- d. Vehicle Display Areas. Vehicles may be displayed in the landscaped buffer area, subject to the following restrictions:
 - i. Display may only occur in areas outside the ROW, walkways, sidewalks, and park strips.
 - ii. Display areas shall be designated through the site plan approval process.
 - iii. Display areas shall be of concrete, asphalt, or other impervious surface.
 - iv. Display areas shall be a minimum of ten feet inside the back of sidewalk.
 - v. Display areas shall comply with clear view triangle setbacks.
 - vi. Display areas shall not exceed 10% of the landscaped buffer area.
 - vii. Vehicles in the display area shall not exceed a maximum height of ten feet, such height including both vehicle and display surface as measured from the height nearest sidewalk to the highest point of the vehicle.
 - viii. For arterial roads, display areas shall also be set back a minimum of 90 feet from the centerline of the road.



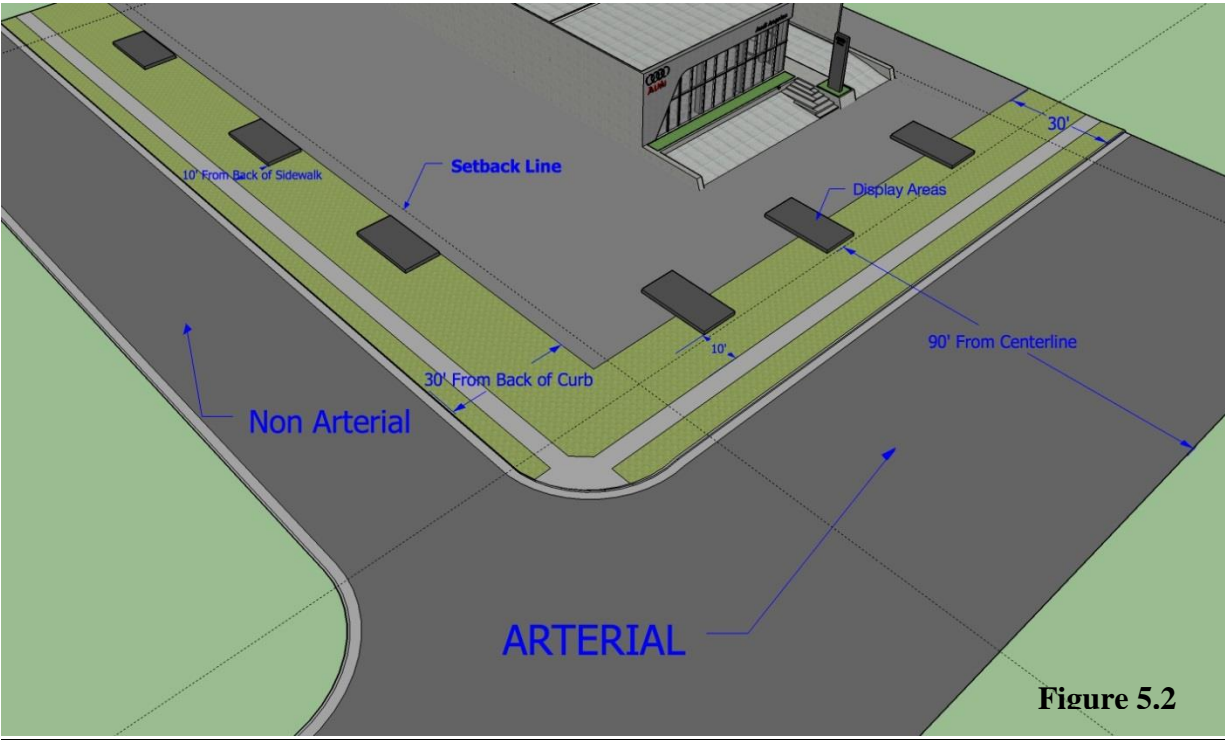


Figure 5.2

(Ord. 15-29)