Chapter 19.13. Development Review Processes.

Sections:

19.13.01. Purpose.

The purpose of this Chapter is to promote the health, safety, and general welfare of the residents of the City and the efficient and orderly growth of the City by regulating the development of property and establishing procedures for property development. This Chapter contains requirements for the general development processes in Saratoga Springs. Other regulations governing specific uses and topics are found in separate chapters of the Land Development Code. These chapters must also be consulted when preparing application materials for submittal to the City.

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

19.13.02. General Considerations.

1. **Land Use Element of the General Plan.** The City's adopted Land Use Element of the General Plan shall guide the use and future development of all land within the corporate boundaries of the City and is advisory in nature per Utah Code § 10-9a-405.

2. **Municipal Code.** The size and design of lots, nature of utilities, design and improvements of streets, types and intensity of land uses, and provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the City Code, and other applicable ordinances and policies.

3. **Conservation of Natural Features.** Trees, native land cover, wetlands, natural watercourses, hillsides, and existing topography shall be preserved where possible. Development projects shall be so designed as to prevent excessive grading and scarring of the natural terrain. The design of new projects shall consider and relate to existing and future street widths, alignments, and names.

4. **Community facilities.** Community facilities, such as parks, recreation areas, and transportation facilities, shall be provided in the development project in accordance with the Land Use Element of the General Plan and the City's land use ordinances, particularly Chapter 19.04, Zoning. In order to facilitate the acquisition of land areas

required to establish the creation and expansion of community facilities, the applicant may be required to dedicate land, grant easements, or otherwise reserve land for schools, parks, playgrounds, public rights-of-way, utility easements, and other public purposes.

5. **Public Utilities and Easements.** The City recognizes the policy of concurrently installing public utilities in relation to any development within the City boundaries. Although the City will work with developers to provide utilities to a developer's project, the City is under no obligation to install utilities in order to accommodate a proposed development. The City reserves the right to approve only those developments wherein all necessary public utilities and infrastructure have been installed.

   In order to facilitate the installation of public utilities, developers shall be required to dedicate to the City all necessary City utility easements, rights-of-way, and fee simple dedications necessary for the City to provide services to the property. These dedications shall be exclusive rights to the City for City utilities only and shall not be dedications to public utilities or public utility companies as defined in Utah Code § 54-3-27 or Utah law.

   Furthermore, developers shall be required to dedicate all necessary public utility easements as defined in Utah Code § 54-3-27 for the use of public utility companies and the City to install public utilities. These public utility easements shall be subject to the regulations in Section 54-3-27 and Utah law with respect to public utility easements. The required locations of public utility easements are shown in the City Engineering Standards and this Title 19. In all cases, public utility easements shall extend to all buildings and structures previously constructed or to-be built on the lot or parcel. The City may, on a case-by-case basis, require public utility easements in different locations than the City Engineering Standards and this Title 19 to ensure that the City, City franchisee, and any public utility company may extend all necessary utilities to the buildings and structures in the lot or parcel.

6. **Utility and System Capacity Allocation Policies.** All development activity in the City is subject to the City's utility and system capacity allocation policies. For residential development, capacity is considered reserved at plat recordation. Capacity for residential development shall be reassessed when a plat amendment is recorded that vacates such lot or increases the overall density for the plat. For non-residential development, capacity is considered reserved at final site plan approval, which capacity is vacated if the site plan expires per this Title.

(Ord. 24-05, Ord. 22-7, Ord. 17-17, Ord. 14-23-1, Ord. 13-16, Ord. 11-9)

19.13.03. Application Forms.

1. **Application Forms Required.** Applications for permits and other procedures (appeals, Site Plans, subdivisions, variances, plat amendments, etc.) established by this Title shall be filed on the forms provided by the City.
   a. Applications shall be accompanied, if required, by a Concept Plan, Preliminary Plat for proposed subdivisions, Site Plan for commercial or multi-family subdivisions, Condominium Plat for proposed condominiums, Final Plat, and any other applications, maps, plans, drawings, tabulations, calculations, and text

needed to demonstrate compliance with the City Code and as described in this Chapter.

b. Applicants shall pay the cost to post and mail notices to all property owners as required in this Title prior to consideration by the Land Use Authority.
c. An application is not complete until the Planning Director acknowledges in writing that the application is complete. An incomplete application shall be rejected and not processed for review.

2. **Application Fees.** Application fees for each type of permit and other procedures established by this Title shall be set by resolution of the City Council. Payment of application fees shall always precede review of the application.

3. **Permission to inspect.** The filing of an application constitutes permission for the Mayor, City Council, City Manager, Planning Commission, Hearing Examiner, or City employees to inspect the proposed development site during their consideration of the application. The City may delay consideration of any application when inclement weather or snowpack prevents a useful site inspection.

4. **Application Closure for Inactivity.** When the Planning Director determines an application is inactive, the application shall be closed after giving 30 days written notice to the applicant containing instructions on information needed to move the application forward to the next step in the approval process. An application shall be deemed inactive and subject to closure, on the basis of inactivity if, through the act or omission of the applicant and not the City, one of the following has occurred:
    a. More than twelve months have passed since the last meeting of staff and the applicant.
    b. More than twelve months have passed since a request for additional information was made by staff, which request has not been complied with, or reasons of noncompliance are not stated or indicated by the applicant.
    c. The applicant is more than 30 days in default of the payment of any fee assessed by ordinance.
    d. The applicant has stated intent to abandon the project.
    e. The applicant has declared bankruptcy or the applicant's property is in the process of foreclosure proceedings.

(Ord. 17-17, Ord. 14-23-1, Ord. 15-21, Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.13.04. Specific Development Processes and Submittal Requirements.

1. This Section of the Chapter identifies the development processes for each of the major types of developments within the City of Saratoga Springs. The following table is a non-exhaustive summary of these processes, and specifies who acts as the land use authority for each:

19.13.04. Specific Development Processes and Submittal Requirements.

1. This Section of the Chapter identifies the development processes for each of the major types of developments within the City of Saratoga Springs. The following table is a non-exhaustive summary of these processes, and specifies who acts as the land use authority for each:

Process and Land Use Authority	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Public Hearing	City Council Approval
Development Type						
Agriculture Protection			X		X	X
Agriculture Protection Removal						X
Annexation					X	X
Annexation Policy Plan Map Amendment						X
Change of Use Permit[1]	X					
Code Amendment		X	X			X
Community Plan		X	X			X
Community Plan Major Amendment		X	X			X
Community Plan Minor Amendment	X					
Concept Plan	X – Non-binding					
Concept Plan, in advance of a Rezone			X –Optional, non-binding			X -Optional, non-binding
Conditional Use – Existing Nonconforming[1]	X					
Development Agreement (DA)						X
DA Amendment – Major						X
DA Amendment – Minor	X					
General Plan Amendment		X	X			X
Home Occupation[2]	X					
Lot Line Adjustment	X					
Master Development Agreement (MDA)		X	X			X
MDA Amendment – Major						X
MDA Amendment – Minor	X					

Development Type	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Public Hearing	City Council Approval
Minor Subdivision	X					
New or Unlisted Business Use/Classification Request		X	X			X
Permanent Signs	X					
Planned Unit Development, Concept Plan, Non-Binding	X			X – With variations		X – With variations
Planned Unit Development, Preliminary Plat			X			X
Planned Unit Development, Final Plat	X					X[4]
Plat, Amendment[1]	X					
Plat, Condominium and Final, except single-family, two-family and townhomes [3, 6]	X					X[4]
Plat, Final for single-family, two-family and townhomes [3, 6]	X					
Plat, Preliminary in a CP or VP	X		X[5]			X[5]
Plat, Preliminary, except single-family, two-family and townhomes [3, 6]			X			X
Plat, Preliminary for single-family, two-family and townhomes [3, 6]				X		
Rezone		X	X			X
Site Plan-Multi-Family, Two-and-Three-Family			X			X
Site Plan-Multi-Family, Two-and-Three-Family, Amendment - Major			X			X
Site Plan-Multi-Family, Two-and-Three-Family, Amendment - Minor	X					

Site Plan-Non-Residential			X			X
Site Plan-Non-Residential, Amendment - Major			X			X
Site Plan-Non-Residential, Amendment - Minor	X					
Site Plan - Gateway Overlay			X			X
Temporary Church Office Trailer	X					
Temporary Sign	X					
Temporary Use	X					
Variance	Public Meeting with Hearing Examiner					
Village Plan		X	X			X
Village Plan Major Amendment		X	X			X
Village Plan Minor Amendment	X					

1. May be approved by staff unless staff determines Planning Commission or City Council approval is required per §19.12 or §19.13.
2. May be approved by staff unless staff determines Planning Commission approval is necessary based on the criteria in §19.08.04.
3. Written notice to canal owner if within 100 feet of subdivision as per UCA §10-9a-603(2)(e).
4. If consistent with the Preliminary Plat approval, Planning Director may approve, otherwise, City Council approval is required.
5. Planning Director approval if the Preliminary Plat layout is contained in the Community Plan or Village Plan. If not, the Preliminary Plat shall be reviewed by the Planning Commission with a recommendation to the City Council.
6. Excluding plats in the Planned Community, Mixed Residential, and Mixed Waterfront zones.

2. **A Neighborhood Meeting,** or Neighborhood Canvas at the discretion of the applicant, is required for any multi-family or non-residential development proposal adjacent to developed property in a residential zone.
    a. Neighborhood Meeting:
        i. This meeting shall include the developer or applicant and adjacent residents within the subdivision.
        ii. If a homeowners association exists in the area, the developer or builder shall notify the HOA by mail of the meeting at least ten calendar days before the meeting.
        iii. The developer or applicant shall provide notice of the meeting by mail to each residential property within 300 feet of the property at least ten calendar days prior to the meeting.
        iv. The developer or applicant shall be required to determine the noticing area with the advice and consent of Staff.
        v. The developer or applicant must provide a proposed site plan and conceptual building elevations for review and discussion at the meeting.

vi. The Developer or Applicant must provide City Staff with a written record of what transpired during the meeting, as well as an attendance roll from the meeting.
vii. The Neighborhood Meeting must take place prior to a proposed project being reviewed by the Land Use Authority.

b. Neighborhood Canvas
i. The canvas shall include review of the proposed site plan and building elevations at each home.
ii. Signatures, from a minimum of 51 percent of the property owners, verifying that they viewed the site plan and the building elevations, shall be provided to City Staff at the conclusion of the canvas.
iii. The canvas must take place prior to a proposed project being reviewed by the Land Use Authority.

3. Submittal, Resubmittal, and Supplemental Submittal of Application.

a. The developer or property owner shall file a properly completed development application form, including all required supporting materials and an appropriate application fee, with the Planning Director.
b. The Planning Director shall determine whether the application is complete within ten business days after its filing.
i. If the application is complete, and upon determination that the application substantially complies with applicable Code requirements, the Planning Director shall place the application on the next possible Land Use Authority agenda taking into consideration public notice requirements and other criteria for placing an item on the agenda found in Title 2 of the City Code.
ii. If the application is not complete, the Planning Director shall return it with a written statement explaining what is needed to complete the application.
c. Submittals or resubmittals of plans shall be submitted to the Planning Director no less than 2 weeks prior to the notice deadline for any meeting to allow adequate time to review for substantial Code compliance.
d. Supplemental items to be added to a presentation to a Land Use Authority shall be submitted no less than 7 days prior to the meeting.

4. Notice of Public Hearings.

a. Notice for items requiring a public hearing shall comply with the requirements of this Section and Utah Code Chapters 10-9a and 52-4.
b. The developer shall incur the entire cost of providing the required notice.
c. Additional notice shall be provided as follows:
d. For Ordinances, Zoning Map Amendments (Rezones), New or Unlisted Business Uses, and General Plan Amendments only, mailed to each affected entity; and
i. for Community Plan Adoptions and Major Amendments, Master Development Agreement Adoptions, Zoning Map Amendments (Rezones), and Village Plan Adoptions and Major Amendments only, mailed to:
ii. each property owner whose land is directly affected by the proposal that is the subject of the public hearing; and
iii. each property owner of each parcel or lot within 300 feet of the property that is the subject of the public hearing.

5. **Notice of Land Use Applications.**
    a. The State Department of Veteran and Military Affairs shall be notified of any land use application other than an individual building permit related to land within 5,000 feet of a boundary of Camp Williams before the City may approve the land use application.

6. **Decision of Planning Director.**
    a. If designated as the Land Use Authority, the Planning Director shall determine whether the development application complies with all applicable requirements of this Title or other development ordinances and policies of the City.
    b. If the Planning Director determines that the proposed development application is complete and is in compliance with the City Code and other ordinances and policies of the City, then the Planning Director may take action to approve the application.
    c. In proposals where the Planning Director determines that the proposed development is not in compliance with the City Code and other ordinances and policies of the City, the Planning Director may take action to deny the application.

7. **Decision of Planning Commission.**
    a. If designated as the Land Use Authority, the Planning Commission shall determine whether the development application complies with all applicable requirements of this Title or other ordinances and policies of the City and conduct a public hearing, when required, on the proposed development application. The Planning Commission shall only act as the Land Use Authority for administrative decisions and shall not act as the Land Use Authority for a legislative decision.
    b. At the hearing, the Planning Commission shall take testimony and, in the case of an administrative decision, determine whether the proposed development complies with all applicable requirements of this Title or other development ordinances and policies of the City.
    c. If the Planning Commission determines that the proposed development application is complete and is in compliance with the City Code, then the Planning Commission may take action on the application.
        i. If the Planning Commission is the Land Use Authority, the Planning Commission shall make a decision to approve, approve with conditions or deny the application.
        ii. If the City Council is the Land Use Authority, the Planning Commission shall make a recommendation to the City Council on the application, unless the development process in 19.13.04 specifies otherwise.
        iii. The Planning Commission may also table its decision or recommendation if it finds that the application materials are incomplete or if more information or additional research is need to determine if the requirements of the City Code or City ordinances are met.

8. **Decision of City Council for Administrative Decisions.**
    a. If designated as the Land Use Authority, the City Council shall determine whether the development application complies with all applicable requirements of this Title or other ordinances and policies of the City and conduct a hearing, when required, on the proposed development application.
    b. If a public hearing is required, the City Council shall take testimony and determine whether the proposed development complies with all applicable requirements of the City Code or other ordinances and policies of the City.
    c. If the City Council determines that the development application is complete and is in compliance with the City Code, then the City Council shall approve the application.

9. **Decision of City Council for Legislative Decisions.**
    a. The City Council is the Land Use Authority for all legislative decisions and shall conduct a public hearing, when required, or a public meeting on the proposed development application.
    b. At a public hearing, the City Council shall take testimony and decide whether to grant the application. At a public meeting, the City Council shall discuss whether to grant the application.

10. **Remand.**
    a. Any land use authority may remand an application to a recommending body for further review and recommendation unless a different process is specified in 19.13.04.

(Ord. 25-61, 24-16, Ord. 23-38, Ord. 23-37, Ord. 23-20, Ord. 23-5, Ord. 22-44, Ord. 22-7, Ord. 21-14, Ord. 18-12, Ord. 17-14, Ord. 17-08, Ord. 15-29, Ord. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9).

19.13.05. Concept Plan Process.

1. **A Concept Plan application** shall be submitted before the filing of an application for subdivision or Site Plan approval unless the subdivision was part of a previous Concept Plan application within the previous two years and the application does not significantly deviate from the previous Concept Plan.

2. **Concept Plan Review Process**
    a. The review of a Concept Plan not requiring a rezone involves an informal review of the plan by the City's Development Review Committee.
    b. The review of a Concept Plan in advance of a rezone may be reviewed at the discretion of the applicant and informal feedback given by the Planning Commission and City Council.
    c. The review of a Concept Plan accompanying a rezone application also involves an informal review of the Concept Plan by the Planning Commission and City Council.
    d. The developer shall receive comments from the Development Review Committee, and when applicable, by the Planning Commission and City Council to guide the developer in the preparation of subsequent applications.

e. The Development Review Committee, and Planning Commission and City Council when applicable, shall not take any action on the Concept Plan review.
f. The comments of the Development Review Committee, and Planning Commission and City Council when applicable, shall not be binding, but shall only be used for information in the preparation of the development permit application.
g. The Concept Plan review is intended to provide the developer with an opportunity to receive input on a proposed development prior to incurring the costs associated with further stages of the approval process. This review does not create any vested rights to proceed with development. Developers should anticipate that the City may raise additional issues in further stages not addressed at the Concept Plan stage.

3. The following items shall be submitted with a Concept Plan application:

a. A completed application and affidavit, form, and application fee.
b. Plat/Parcel Map of the area available at the Utah County Surveyor's Office.
c. Legal description of the entire proposed project.
d. Proposed changes to existing zone boundaries, if such will be needed.
e. Conceptual elevations and floor plans, if available.
f. Concept Plan Map: Three full-size 24" x 36" copies of the Concept Plan as required on the application form, drawn to a scale of not more than 1" = 100' and two reductions on 11" x 17" paper, showing the following:
    i. Proposed name of subdivision, cleared with the County Recorder to ensure the name is not already in use.
    ii. Name of property if no subdivision name has been chosen. This is commonly the name in which the property is locally known.
    iii. Locations and widths of existing and proposed streets and right-of-ways.
    iv. Road centerline date including bearing, distance, and curve radius.
    v. Configuration of proposed lots with minimum and average lot sizes.
    vi. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, including acreages, locations, and percentages of each and conceptual plan of proposed recreational amenities.
    vii. Those portions of property that qualify as sensitive lands per Section 19.02.02., including acreages, locations, types, and percentages of total project area and of open space.
    viii. Total acreage of the entire tract proposed for subdivision.
    ix. General topography shown with 1'or 2' contours and slope arrows with labels.
    x. North arrow, scale, and date of drawing.
    xi. Property boundary with dimensions.
    xii. Data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, number of required and proposed ADA compliant parking spaces, percentage of buildable land, percentage and amount of open space or landscaping, and net density of dwellings by acre.

xiii. Existing conditions and features within and adjacent to the project area including roads, structures, drainages, wells, septic systems, buildings, and utilities.
xiv. Conceptual utility schematic with existing and proposed utility alignments and sizes sufficient to show how property will be served including drainage, sewer, culinary and secondary water connections and any other existing or proposed utilities needed to service the proposed development or that will need to be removed or relocated as part of the project.

g. A schematic drawing of the proposed project that depicts the existing proposed transportation corridors within two miles, and the general relationship of the proposed project to the Transportation and Land Use Element of the General Plan and the surrounding area.
h. File of all submitted plans in pdf format.

(Ord. 17-08, Ord. 15-07, Ord. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.13.06. Change of Use Permit.

1. **In General.** This section is intended to provide a process for reviewing the conversion of an existing structure or site from its current or previous use to a different or new activity or use.

2. A different or new type of activity or use is a use that falls under a different category in the use tables in 19.04.

3. **Standards.** Any change of use shall meet the following criteria:
   a. The new use is a permitted use in the zone.
   b. Signage and parking for the new use shall comply with all standards in place at time of conversion.
      i. If the existing use is a nonconforming use, the new or different activity or use with the same or lower parking requirement may be placed without additional conditions. If the new or different use has a higher parking requirement, the new parking requirements shall be met.
   c. Increased parking requirements or external changes to the site or structure for the new use shall require a site plan amendment.
   d. A use that does not fall under a permitted use in the tables in 19.04 for the applicable zone shall not be eligible for a Change of Use Permit.

4. The Planning Director shall follow the process outlined in 19.13 for decisions of the Planning Director.

(Ord 21-14, Ord. 17-17, Ord. 14-23-1)

19.13.07. Development Agreements.

1. **In General.** A development agreement is an enforceable contract between a Developer and the City that runs with the land and is binding on successors, transferees, and assigns. A development agreement shall be required when a provision in this Title 19 requires a development agreement as a condition of approval. Nevertheless, a development

agreement is not required when a proposal for development meets all requirements of this Title 19 and the zone in which the property is located as of the date a complete application for preliminary plat or site plan approval is filed and all application fees have been paid. A development agreement may also be desirable when the developer and the City Council determine that additional consideration and benefits are to be obtained by both parties by entering into a development agreement, such as when a developer receives a rezone of property and/or increased density in return for the dedication of land and/or infrastructure above what is required by the development. If a development agreement restricts an applicant's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant that the development agreement restricts. The City Attorney may provide a standard form for a development agreement that includes many of the most common provisions to facilitate efficiency in the preparation and execution of development agreements.

2. **Contents of Development Agreements.** Development agreements shall, at a minimum, include the following:
    a. any condition, requirement, and finding made by the City Council, including required improvements of each phase of development;
    b. a copy of the Final Plat document, record of survey or legal description, Preliminary Plat and phasing plan, or Site Plan as applicable;
    c. a description of all required improvements, including parks and trails;
    d. the following unless contained in a bond agreement under Section 19.12.05:
        i. a schedule for completion of the required improvements;
        ii. a process by which the City may, if necessary, complete required improvements using the guarantee provided;
    e. provisions defining required maintenance activities which include, but are not limited to, general upkeep of landscaping, sidewalks, streets, parks, and utility infrastructure, as well as the repair of such facilities as needed and as may be required by the City. These activities may also be specifically defined in the development agreement;
    f. a process by which the development agreement may be transferred, with City approval, to the developer's successors;
    g. a statement that provides that the development agreement and the vested rights it confers shall be void if the developer breaches the agreement.
    h. a statement that provides that in the event the developer fails to comply with the terms of the agreement, the City may withhold approval of building permits, certificates of occupancy, and further approvals;
    i. a statement that provides for the improvement and dedication to the City of trails, bike lanes, rights-of-way, easements, and roads as needed to ensure adequate means of traveling to and from the development;
    j. declaration of covenants and restrictions, declaration of condominium, if determined to be necessary by the City Attorney;
    k. applicable Architectural elevation plans if determined to be necessary by the City Attorney;
    l. special conditions relating to the timing of certain improvements, lot design, performance standards, necessary off-site conditions or improvements, conditions relating to shared open space or parks, special circumstances due to location of utilities, physical characteristics of the subject property, or other conditions identified within the development agreement; and

m. any additional requirement that the City Council deems necessary to meet the requirements of this Title and to further the purposes in Utah Code § 10-9a-102(1).

3. **Effect of Development Agreement.** The effect of a development agreement is to create vested rights as described in said agreement and to specify the requirements of the development. Subject to constitutional limitations, development agreements do not insulate developments from changes in local, state, or federal law including applicable fire and building codes.

4. **Expiration.** A Development Agreement shall require Final Plat approval of all subdivisions within ten years, except as otherwise specified by the City Council.

5. **Amendment**. A Development Agreement may be amended upon agreement of all parties.
    a. Minor amendment: a minor amendment is an amendment that does not alter the density, amount of open space, or unit type, and may be approved by the City Manager after consultation with the DRC.
    b. Major amendment: a major amendment is an amendment that alters the density, amount of open space, or unit type, and may be approved by the City Council.

6. **Reserved Legislative Powers.** Except for the developer's vested rights, development agreements shall not limit the future exercise of the police powers of the City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation, and other land use plans, policies, ordinances, and regulations after the date of the agreement. However, the developer's vested rights may be affected under facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine as set forth in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1988), or successor case law or statute. Any such proposed change affecting developers' vested rights shall be of general applicability to all development activity in City. Unless the City declares an emergency, the developer shall be given prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the property.

(Ord. 23-20, Ord. 17-17, Ord. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.13.08. Improvements Required.

1. All developments will be required to install, and in some cases dedicate to the City or homeowners association, all offsite and onsite improvements necessary to mitigate the impacts created by the new development. For the purposes of this Chapter, required improvements for all developments shall include (when applicable), but are not limited to, the following:
    a. runoff and erosion control measures, including both structures and plantings, required to implement an approved runoff and erosion control plan;
    b. landscaped buffers, screening fences or walls, and similar improvements required to mitigate potential nuisances;
    c. water and sewer improvements;
    d. storm drainage improvements;

e. off-street parking and loading areas, including any required landscaping;
f. roads and related improvements, including bridges, culverts, traffic control signs, streetlights and signs, and street trees;
g. sidewalks and trails;
h. parks, trails, and open space meeting the requirements of this Title and the City's adopted Parks, Trails, and Open Space Master Plan;
i. water rights, sources, and facilities as required by the City ordinances, regulations, and standards;
j. utilities such as telecommunications, fiber optic, cable TV, electric power, and natural gas;
k. improvements required by the Wildland-Urban Interface Code;
l. street lighting;
m. improvements required by other sections of the City Code, ordinances, regulations, and standards as well as improvements required by agreement between the City and the applicant; and
n. for residential projects, piping of canals per canal company specifications if a canal or canal easement is adjacent to or within a proposed residential project, unless the canal company or Bureau of Reclamation does not allow piping. Non-residential projects shall install secure fencing adjacent to canal easements or canals per canal company specifications to prevent entry from the non-residential project onto the canal or canal easement.

2. **Installation at Developer's Expense.**
   a. The installation of required improvements shall be at the developer's expense. However, the City may choose to participate in the cost of certain improvements in order to correct deficiencies in areas outside the development, or to provide capacity for future development in accordance with any applicable capital facilities plan, any applicable impact fee facilities plan, or Land Use Element of the General Plan.
   b. Where improvements that exceed the developer's lawful obligation are required to be constructed at the developer's expense, a reimbursement or pioneering agreement may be entered into containing reimbursements or impact fee credits or allowing for reimbursement by landowners whose property subsequently benefits from the improvements using mechanisms mutually agreed upon by the City and the developer. The duration of these agreements may not exceed 10 years unless otherwise required by law. The City shall not enter into any reimbursement or pioneering agreement for any offsite or onsite improvements required to address the impacts created by the development or for the installation of the minimum-sized improvements required by City ordinances, regulations, or standards.

3. **Improvement Standards.** Required improvements shall be installed in compliance with this Title, state or federal law, capital facilities plans, impact fee facilities plans, and standards, regulations, and ordinances passed by the City.

4. **Continuing Maintenance Required.** The continuing maintenance of any improvement required for compliance with applicable City ordinances, regulations, and standards shall be required for a period specified in any applicable development agreement or bond agreement. Failure to maintain any required improvement shall be a violation of these regulations.

5. **Maintenance Mechanism.** Any development that includes any property or facilities that are not dedicated to or accepted by the City of Saratoga Springs shall create a community association for the purpose of carrying out maintenance activities for such property or facilities. In the event maintenance obligations are not promptly assigned to the community association, the developer shall be required to post a maintenance bond to ensure that the improvements are maintained until such time as the community association assumes maintenance obligations.

6. **Project Documents.** The developer shall submit the proposed declaration of covenants, conditions, and restrictions, declarations, articles of incorporation, and by-laws for the community association for review and approval by the City Attorney as meeting recording requirements, and those documents shall be recorded before or concurrent with the recording of the Final Plat.

7. **Developed and Landscaped Open Space Ownership and Maintenance.** The maintenance of any developed or landscaped open space required for compliance with this Title shall include, but not be limited to: upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. All open space shall be maintained by a homeowner's association (see Section 19.13.8) if such open space is not a part of the City's capital facilities plan or impact fee facilities plan. The City Council may, subject to its legislative discretion, agree to take ownership and maintenance of open space and trails if the City Council determines in its sole discretion that ownership and maintenance of the open space advances the general welfare of the residents of the City. In all cases, the improvement of such open space and trails to City standards by the developer and dedication to the City of all required water rights, sources, and infrastructure shall be a prerequisite to the City assuming any ownership or maintenance obligation.

8. **Maintenance of Landscaping.** Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function and, as much as reasonably possible, original appearance of the landscaped area. Sufficient water rights and water sources and public infrastructure for the maintenance of landscaped areas shall be dedicated to and/or purchased from the City.

9. **Phasing Improvements.** If the construction of various portions of the project is proposed to occur in stages, then the following standards shall be met.
    a. A Phasing Plan, including size and order of each phase and schedule of improvements to be installed, shall be approved by the Planning Director.
    b. Open Space improvements shall be installed with a value or acreage in proportion to the acreage developed with any given phase. The Developer may install open space in excess of the proportionate amount for each phase and bank open space credits towards later phases; however, the open space installed must be a part of the open space shown in the Phasing Plan.
    c. If determined to be necessary by the City Attorney to ensure compliance with the standards in this subsection 9., a perpetual instrument running with the land shall be recorded against the entire project prior to or concurrently with the recordation of the first plat, that includes the standards, location, funding mechanism, values,

and timing for all open space, recreational facilities, amenities, open space easements, and other improvements. An open space plat, conservation easement, development agreement, or other perpetual instrument may qualify as determined by the City Attorney.

(Ord 21-14, Ord. 17-17, Ord. 14-23-1, Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.13.09. Master Development Agreements.

1. **Purpose of Master Development Agreement Process.**
    a. A Master Development Agreement is a type of development agreement and is subject to the standards and requirements of Section 19.13.08. The Master Development Agreement process is established to provide a mechanism for the following:
        i. approval of a land use and zoning plan for a specified geographic area that is proposed for development;
        ii. identification of utilities and other public infrastructure that will be required to be installed in order to service the proposed development; and
        iii. creation of a development agreement that identifies general land uses, residential densities, size of non-residential developments, obligations for construction of public infrastructure, and general phasing of the development.

2. **When Required.** A Master Development Agreement shall be required of any development that is in excess of twenty acres in size if non-residential or mixed-use or developments in excess of 160 acres in size if residential. A Master Development Agreement may also be required pursuant to this Title 19 including Chapter 19.26 or may be desirable or necessary pursuant to the exercise of the City Council's legislative discretion in the fact scenarios listed in Section 19.13.08.

3. **Master Development Applications.** Master Development Agreements may be accompanied by an application to amend the City's General Land Use Plan Map and rezone the subject property. If so, then the General Plan amendment or rezone shall not occur until the Master Development Agreement is executed by the City and Developer. Master Development Agreement applications shall contain, at a minimum, the following information:
    a. a complete application that is duly signed by the property owner or the owner's representative;
    b. a legal description of the property;
    c. a vicinity map showing the approximate location of the subject parcel with relation to the other major areas of the City;
    d. a general description of the proposed development together with a map indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, trails, and any other important element of the project;
    e. a data table including total number of lots, dwellings, and buildings, square footage of proposed buildings by floor, number of proposed garage parking spaces, number of proposed surface parking spaces, percentage of buildable land, percentage of open space or landscaping, and net density of dwellings by acre;
    f. existing and proposed offsite and onsite infrastructure including proposed offsite and onsite roadways, utility locations, and capacities;

g. estimated impacts of the proposed Master Development Agreement on all public utilities including potable water, irrigation water, wastewater, transportation, storm drainage, fire protection, and solid waste;
h. parks and recreation demands of the proposed project;
i. existing physical characteristics of the site including waterways, geological information, fault lines, general soils data, and contour data (two-foot intervals);
j. identification of environmental issues, if any, and how such will be protected or mitigated (e.g., wetlands, historical sites, endangered plants, etc.);
k. information relating to storm drainage including: 100-year 24-hour drainage flows, 10-year 24-hour storm water flows, and proposed storm drainage facilities;
l. major street layout with detailed traffic study prepared by a traffic Engineer;
m. statements of how the proposed development is compatible with surrounding land uses and other areas of the City and how internal compatibility will be maintained;
n. statements or maps indicating how the proposed master plan will comply with the City's open space and parks and recreation regulations; and
o. file of all submitted plans in pdf or AutoCAD 2000 format.

4. **Open Space Requirements.** The amount of open space required with any Master Development Agreement application may be established in accordance with the provisions of the applicable zoning designation as set forth in Chapter 19.04 of this code, established through agreement by the parties, or established through a condition precedent to receiving additional consideration by the City.

5. **Planning Commission Action.** Upon receipt of a complete Master Development Agreement application, the Planning Director shall schedule the application for a public hearing before the Planning Commission.
    a. The Planning Commission shall conduct a public hearing and shall thereafter recommend to the City Council approval, approval with conditions, or denial of the Master Development Agreement application.
    b. The Planning Commission may also recommend modifications to a Master Development Agreement application or may table its action if the application is incomplete or if the Planning Commission determines that more information should be provided prior to making a recommendation.

6. **City Council Action.**
    a. The City Council, after a receiving a recommendation from the Planning Commission, shall review the application and shall approve, approve with conditions, or deny the application.
    b. The City Council may modify the application or table their action if the application is incomplete or if the Planning Commission determines that more information should be provided prior to taking final action.
    c. The Master Development Agreement must be executed by the parties before a rezone or General Plan amendment is granted or takes effect.

7. **Effect of the Master Development Agreement.** The Master Development Agreement, as approved, will constitute the applicant's right to develop the property in essentially the same manner as outlined in the Master Development Agreement.
    a. Generally, the Master Development Agreement shall include a request to amend the City's Land Use Element of the General Plan and Zoning Map, if necessary. If such

amendment is granted, the developer may be required to provide additional consideration to the City including without limitation upsized public infrastructure, additional open space, and public dedication of improvements not otherwise required to be dedicated.

b. The Master Development Agreement shall not grant the applicant the right to circumvent any City ordinances, policies, City Council directives, or any other procedure that is approved and practiced by the City.

c. The applicant shall still be required to apply for subdivision approval, Site Plan review, or other appropriate procedures as required by this Code.

8. **Additional Requirements.** A Master Development Agreement shall generally conform to the requirements found in this Chapter pertaining to the contents of a development agreement, as appropriate, as well as the following requirements:

   a. The Master Development Agreement shall establish the general land uses in the project, the total number of residential dwellings, the estimated square footage of structures used for non-residential purposes, the general off-site utility and public infrastructure required, and any general phasing for the development of the Master Development Plan area.

   b. The Master Development Agreement shall include provisions for phasing of improvements and the timing of the construction of public infrastructure.

9. Amendment. A Master Development Agreement may be amended upon agreement of all parties.

   a. Minor amendment: a minor amendment is an amendment that does not alter the density, amount of open space, or unit type, and may be approved by the Planning Director.

   b. Major amendment: a major amendment is an amendment that alters the density, amount of open space or unit type, and shall be approved by the City Council.

(Ord. 21-14, Ord. 17-17, Ord. 17-08, Ord. 14-23-1, Ord. 13-16, Ord. 12-9 Ord. 11-9)

19.13.10. New or Unlisted Business Use Process

1. **General.** This section outlines the process to add a New or Unlisted Business Use as a one-time permitted use allowed by Title 19. An applicant may submit a Classification Request or a New or Unlisted Business Use Application as outlined below.

2. **Classification Request.** An applicant under this section may submit a New or Unlisted Business Use application with the request to classify a proposed business use under the definition of an existing business use as a one-time classification. The applicant shall follow the approved City application format and submit the following information as part of a classification request:

   a. A complete application, applicant certification, and paid application fee.

   b. A description of the proposed business use, including the type of work that will be performed, the number of employees that will be employed by the business, comparisons to other similar businesses, and any other information that may be relevant to the classification request.

3. The City Council shall be the Land Use Authority for any Classification Request and shall use the information provided by the applicant, in conjunction with the land use definitions outlined in Chapter 19.02 of City Code, to determine whether the proposed business use may be classified on a one-time basis as an existing land use.
    a. Should the City Council determine that the Classification Request use aligns with an existing land use, the proposed business use shall follow the current process as outlined in the City Code.
    b. Should the City Council determine that the Classification Request does not align with an existing land use, the proposed business use shall follow the application process outlined in Section 19.13.11.4 below.

4. **New or Unlisted Business Use Application Requirements**. Applications for New or Unlisted Business Uses shall follow the approved City application format and include the following information in order to be considered complete:
    a. A complete application, applicant certification, and paid application fee;
    b. A description of the proposed business use, including the type of work that will be performed, the number of employees that will be employed by the business, hours of operation, comparisons to other similar businesses, and any other information that may be relevant to the New or Unlisted Business Use;
    c. A definition of the proposed use;
    d. A parking study performed by a Traffic Engineer that includes a proposed parking ratio for the proposed business use and justification for the parking ratio;
        i. Unless otherwise determined by the Land Use Authority using the criteria outlined in Section 19.09.05(7), no new business use shall provide parking less than 4 parking stalls per 1,000 square feet to allow for adequate parking for future change of uses.
    e. A table outlining the zoning districts where the proposed business use will be permitted.

5. The City Council shall be the Land Use Authority for any New or Unlisted Business Use Application. The New or Unlisted Business Use application shall be reviewed by the City Council following the application being deemed complete. The City Council may only grant the New or Unlisted Business Use as a one-time exception to permitted uses in Title 19. The City Council shall use the information provided by the applicant, in conjunction with the following criteria to determine whether the proposed parking ratio and zoning districts are appropriate for the proposed business use:
    a. The clarity of the definition provided for the proposed use;
    b. The definition does not conflict with existing land use definitions;
    c. The intensity and compatibility of the proposed use in relation to other permitted uses within the proposed zoning districts;
    d. Projected times of operation and use;
    e. Trip generation;
    f. Peak demands;
    g. Projected number of customers and patrons; and
    h. Projected number of employees.

6. **Appeal Process.** If the City Council denies an application for a proposed new or unlisted business use, or if an applicant disagrees with the City Council's classification of the proposed use, the Legislative Body shall notify the applicant in writing of each reason for the

classification or denial, and offer the applicant an opportunity to challenge the classification or denial through the appeal process with the Hearing Examiner, as outlined in Chapter 19.03 of City Code.

(Ord. 25-61)

19.13.11. Underground Installation of Electrical or Communication Facilities.

1. **Findings.** The City Council finds that the public health, safety, convenience, and welfare require that electrical distribution and telephone lines be constructed underground in an orderly manner in accordance with the requirements specified in this Section.

2. **When Underground Installation is Required**. Except as provided herein, underground installation is required of all electrical, telephone, cable TV, television, VOIP, Internet, and telecommunications cables, substations, lines, wires, poles, and facilities that:
    a. Provide direct service to the property being developed;
    b. Are existing and located within the boundaries of the property being developed;
    c. Are existing between the property line and the centerline of the peripheral streets of the property being developed; or
    d. Are located within the limits of any off-site street improvement work required by the approved conditions of approval for a subdivision or development project.

3. **Exceptions.** The following exceptions shall apply to the requirements of subsection 2 of this section:
    a. Utility service poles may be placed in the area within five feet of the rear lot line of the property to be developed for the sole purpose of terminating pre-existing overhead facilities;
    b. Certain electrical transmission lines , and guy wires and poles necessary and appurtenant to such electrical transmission lines, as specified in Figures 13.1 & 13.2;
    c. Small Cell Wireless facilities as allowed in Title 8;
    d. Temporary utilities, along with the necessary service poles, wires, and cables, during the period of authorized construction per a valid building permit;
    e. Appurtenances and associated equipment including, but not limited to, surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, and concealed ducts for an underground system;
    f. In residential areas where overhead facilities exist, overhead utility lines to serve new residential structures may be permitted if the lot or parcel was created legally pursuant to a subdivision plat or otherwise and the overhead line was permitted to continue previously by the land use authority. This subsection shall not apply to new residential subdivisions except as otherwise provided herein; and
    g. In permitted minor subdivisions.

4. **Responsibility for Compliance**. The developer or owner is responsible for complying with the requirements of this section, and he or she shall make all necessary arrangements with the utility company and pay all costs of the installation of such facilities.

(Ord. 19-32, Ord. 19-11)

Figure 13.1

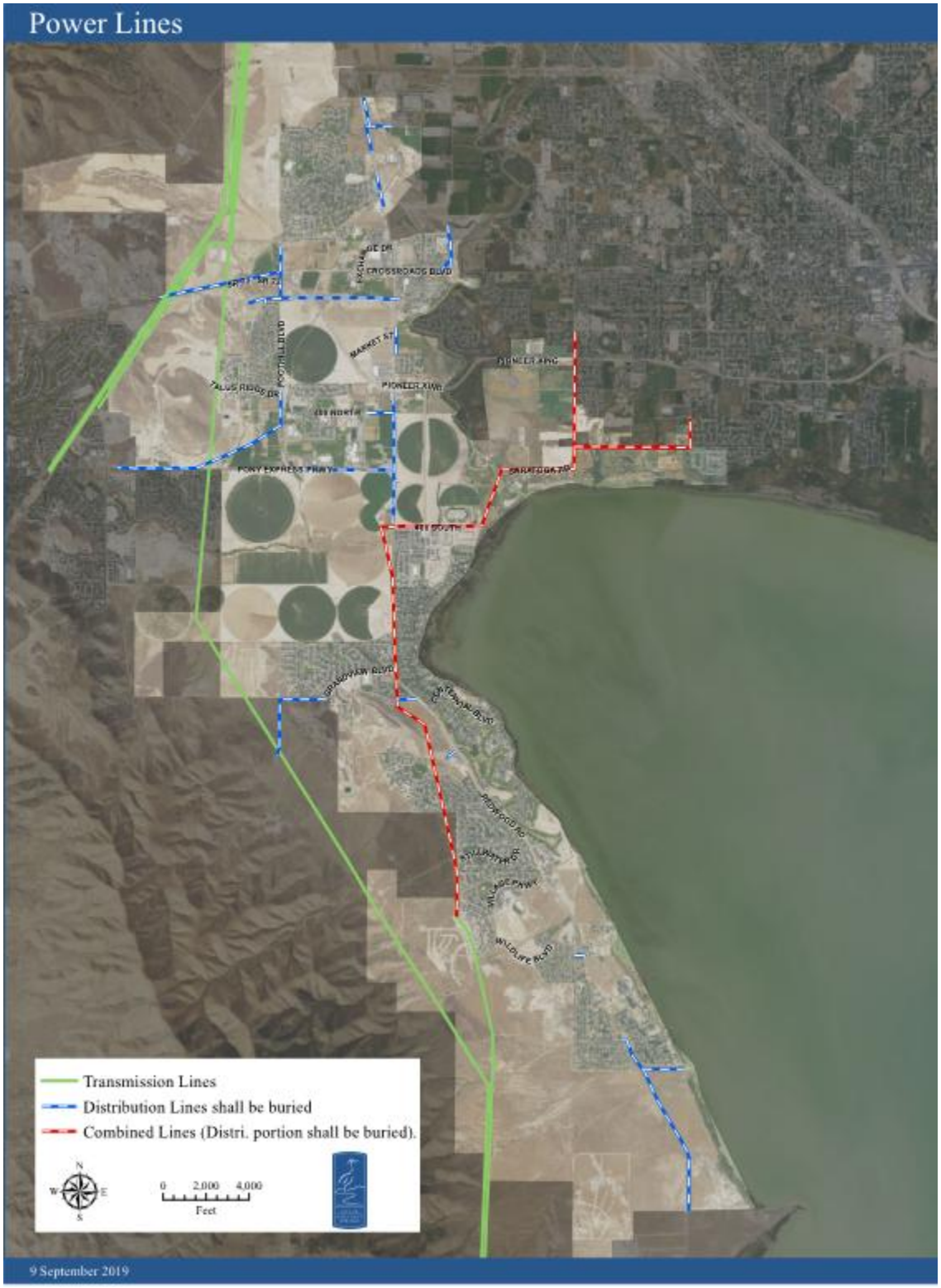
Power Lines
Transmission Lines
Distribution Lines shall be buried
Combined Lines (Distri. portion shall be buried).
N
W
E
S
0
2,000
4,000
Feet
9 September 2019

Figure 13.2


Power Lines
Distribution Lines
Distribution Lines
Illustrative
9 September 2019