

Lake Point Planning and Zoning Commission Minutes

Date: Monday, July 31, 2023

Place: Lake Point Fire Station 1528 Sunset Rd Lake Point, UT 84074

Time: 7:00 PM

1. **Call to Order-** 7:01 PM
2. **Prayer-** Hannah Caldwell
3. **Pledge of Allegiance-** Rickey Lloyd
4. **Presiding Officer-** James Simko
5. **Attendance Roll Call-**

Lake Point Planning and Zoning Commission & Staff (PZ=Commission)	Public	Public
James Simko (PZ Chair)	Dan Crawford	
Hannah Caldwell (PZ Vice Chair)	Jonathan Garrard	
Lori Chigbrow (PZ)	Charity Judkins	
Rickey Lloyd (PZ)		
Kirk Pearson (PZ) absent		
Bryan Coulter (PZ) over phone		
Marylin Sharp (PZ) arrived at 7:05		
Jamie Olson (RCDR)		

6. Public Comment-

- A. Motion- Hannah to open Public Comment. Rickey Lloyd
- B. Vote was unanimous approved
 - i) Charity Judkins **(3:45 recording)**
 - 1) Charity has property at 1811 Shepherd Lane, and they want to make room for their elderly mother. The house is being rented now and the owner does not live on the property.
 - 2) The lot is less than ½ acre and wanted to see what her option would be for adding an external ADU or addition to a house to make room for their elderly mother.
 - 3) Council explained the definitions of family, duplex, accessory dwelling unit, dwelling unit, and discussed options for her situation.
- C. Todd Chelini- email was summarized by Hannah. Todd has a piece of property in the neighborhood commercial and wants to do a working mechanic shop after bringing it up to code. **(23:12 recording)**
 - i) Commission discussed.
 - ii) The commission discussed some questions with Rob over the phone concerning grandfathering. (53:20 recording)
 - iii) The commission kept Public Comment open while discussing the action items.

7. Action/Business Items (1:09:33 recording)

- A. Commercial and Industrial Districts Definitions **(Exhibit A) (1:17:05 recording)**

- i) Commission reviewed the Zoning Districts Definitions document to see if there were any concerns from the commission.
 - ii) Development Restrictions in Commercial Zone. **(1:33:30 recording)**
- B. Commercial Zoning Permitted Items- **(Exhibit B) (about 2:02:50 recording)**
 - i) Commission went through items they had questions or concerns about.
 - ii) 17. 5. 3. 3 k. Bath and Massage **(2:10:00 recording)**
 - iii) Record-Marylinn Does not want a massage parlor business in Lake Point. **(2:15:20 recording)**
- C. Definitions **(Exhibit C) (2:48:04 recording)**
 - i) Commission briefly discussed
- D. Supplemental Regulations **(Exhibit D) (2:51:55 recording)**
 - i) Commission discussed.
- E. Motion-Bryan to Close Public Comment. Rickey 2nd **(3:10:23 recording)**
 - i) Vote was unanimous approved
- 8. **Commission Updates (3:10:45 recording)**
 - A. James Simko
 - i) No updates
 - B. Hannah Caldwell
 - i) No updates
 - C. Lori Chigbrow **(3:10:53 recording)**
 - i) Wanted to remind the commission of the goal to get these items ready for a public hearing for August 21, 2023
 - D. Rickey Lloyd
 - i) No updates
 - E. Kirk Pearson
 - i) No updates
 - F. Bryan Coulter
 - i) No updates
 - G. Marylinn Sharp **(3:13:00 recording)**
 - i) Wants to go over ADU again and the sizes of them.
 - ii) Council discussed what they were going over for the next meetings.
 - iii)
- 9. **Public Comment (3:30:17 recording)**
 - A. Motion- Hannah to open Public Comment. Rickey 2nd
 - B. Vote was unanimous approved
 - i) Jonathan Garrard
 - 1) Jonathan wanted to bring up affordable housing since it was brought up, and that there are people that do desire to rent and not be homeowners and to keep those people in mind.
 - C. Motion-Lori to close Public Comment. Rickey 2nd
 - D. Vote was unanimous approved
- 10. **Adjournment Lori (3:33:25 recording)**

Note-The minutes may include a summary of what was discussed and are not intended to be verbatim. All public meetings have an audio recording, time stamps are included in the minutes to help the public find where certain topics were discussed. Please see the audio recording of this meeting for a full audio record of the meeting.

Note- Additional information concerning meetings including agendas, minutes, recordings, written/typed public comment, other distributed materials, ordinances, resolutions, public notices and how to sign up for notifications on the Public Notification Website, can be found at <https://lakepoint.gov> under Departments-Recorder.

PASSED AND APPROVED but the Commission this 21 day of Aug, 2023



Chair, James Simko

ATTEST:



~~Chaelea Allred, Planning and Zoning Commission Secretary~~

Jamie Olson City Recorder

Exhibit A

07.31.2023

Draft of Commercial & Industrial Districts Definitions & Development Restrictions

07/31/2023 - Final review of this document is complete- pending results from Open House Comments

7/29/2023 – This document is to be posted with the agenda for the PC 07/31/2023 meeting for public comment.

Purpose of Commercial Neighborhood (CN) zoning districts.

The purpose of Commercial Neighborhood (CN) zoning districts are to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. Businesses in this zone should reflect the look and feel of a rural agricultural atmosphere such as country, cottage, rustic, farmhouse, lodge design elements. Businesses are to be family friendly and of the nature that may be found near elementary schools. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.

Purpose of Commercial Highway (CH) zoning districts.

The purpose of Commercial Highway (CH) zoning districts are to provide areas in appropriate locations adjacent to highways or major streets where a combination of businesses, commercial, entertainment, and related activities, as well as activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers, office buildings, and professional services and encourage harmony between traffic needs and centers for retail commercial, entertainment, and other appropriate highway-related activities

Purpose of Commercial General (CG) zoning districts.

The purpose of Commercial General (CG) zoning districts are to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities, as well as automotive facilities, light manufacturing, light industrial processes, and light warehousing not producing objectionable effects may be established, maintained and protected. Regulations of this district are designed to protect environmental quality of the district and adjacent areas and provide a suitable environment for those commercial and service uses that are vital to economic life, some of which would be intrusive and disruptive in a shopping center-type of commercial development.

Development restrictions in commercial zones.

In commercial zoning districts:

1. The minimum front yard setback requirement of 30 feet for commercial buildings may be reduced to 0 feet following approval by the Lake Point City Planning Commission. Additionally, no commercial building shall be located closer than 50 feet to any residential district boundary line, and no such building shall encroach on any easement.
2. Buildings and structures shall cover no more than 30% of the lot area, except coverage shall not exceed 50% in CG zoning districts. Anything over 30% (50% in CG) coverage requires a plan to be presented to the Planning Commission for recommendation to the City Council.
3. Any area outside of a building used for any activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels.
4. All uses shall be free from objectionable noise, hazards, or nuisances.
5. Improvements required by the planning commission may include:
 - a. street grading;
 - b. street base;
 - c. curb and gutter;
 - d. sidewalk;
 - e. parking;
 - f. lighting in accordance with Lake Point Dark Skies ordinance;
 - g. landscaping;
 - h. on-site surface drainage facilities;
 - i. culinary water facilities;

- j. wastewater disposal;
- k. street monuments; and
- l. any other infrastructure deemed necessary including but not limited to development of a frontage road along highway 36 following approval by the Lake Point City Planning Commission.

Maximum building heights.

The maximum building height in all commercial zones shall be 40 feet. Anything over 40' in height requires a plan to be presented to the Planning Commission for recommendation to the City Council.

Purpose of Industrial (IND) zoning districts.

The purpose of Industrial (IND) zoning districts are to provide areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect the environmental quality of the district and adjacent areas.

Development restrictions to industrial zoning districts generally.

In industrial zoning districts:

1. Buildings and structures shall cover no more than 50% of the lot area. Anything over 50% coverage requires a plan to be presented to the Planning Commission for recommendation to the City Council.
2. All uses shall be free from objectionable noise, hazards and nuisances
3. Improvements required by the planning commission may include:
 - a. street grading;
 - b. street base;
 - c. curb and gutter;
 - d. sidewalk;
 - e. parking;
 - f. lighting in accordance with Lake Point Dark Skies ordinance;
 - g. landscaping if business fronts a main road;
 - h. on-site surface drainage facilities;
 - i. culinary water facilities;
 - j. wastewater disposal;
 - k. street monuments; and
 - l. any other infrastructure deemed necessary including but not limited to development of a frontage road along highway 36 following approval by the Lake Point City Planning Commission.
 - m. Rooftop Mounted Solar Arrays located on industrial buildings in IND Zoning District are exempt from the one-mile buffer requirement.

Maximum building heights.

The maximum building height in all industrial zones shall be 40 feet. Anything over 40' in height requires a plan to be presented to the Planning Commission for recommendation to the City Council.

EXEMPTION FROM AREA REQUIREMENTS

Section

17-4-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.

In commercial and industrial zoning districts, a bona fide division or partition of land for the purpose of siting an unmanned facility appurtenant to a pipeline, electrical service, telecommunications, transmission line, radio transmission, regeneration, or fiber optic equipment owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission may be sited on a parcel less than that required with no frontage subject to the following:

1. The parcel shall have a legal access to it.
2. A conservation easement or deed restriction shall be given to Lake Point City that will prohibit any use or structure from being placed on the property than those listed in this section.
3. The site shall be fenced and approved through the Planning Commission.
4. Where a residential or manned structure is within 800 feet, the site shall be large enough that the height of the tallest structure placed in a vertical position from its base, plus ten feet, will mark the minimum property edge.
5. The site shall be fenced with chain link fencing, and screened by drought resistant landscaping and trees.

Commercial Zoning Permitted Yes or No		N e i g h b o r h o o d	H i g h w a y	G e n e r a l	I n d u s t r i a l	Questions - Comments
As revised during 06/12/23 Meeting						
Table 17-5-3.1. Agriculture, forestry and keeping of animals.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes	See Jim's Notes
Add ed	Agriculture including grazing and pasturing of animals, orchards, fruit stands	Yes	Yes	Yes	Yes	orchard or fruit stand or grazing animals,
c	Agricultural industries	No	No	No	Yes	Agricultural industry or business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, or storage, such as commercial greenhouses, fruit stands, food packaging or processing plants.
d	Beauty shop for pets, dog grooming	Yes	Yes	Yes	Yes	
e	Roof-top mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes	For their own facility use
f	Tilling of the soil, raising of crops, horticulture and gardening	Yes	Yes	Yes	Yes	
Table 17-5-3.2. Automobile, truck and recreational vehicle sales and services.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes	
c	Automatic car wash	No	Yes	Yes	Yes	
d	Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	No	Yes	Yes	Yes	
e	Automobile service station	No	Yes	Yes	Yes	
f	Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	No	No	Yes	Yes	
g	Disassembling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts	No	No	Yes	Yes	
h	Indoor auto parts sales	No	Yes	Yes	Yes	
i	Parking lot incidental to a use conducted on the premises	Does this m	No	Yes	Yes	Parking covered in a supplemental or parking ordinance
j	Parking lot not incidental to a use conducted on the premises	No	No	Yes	Yes	ok with a park and ride lot
k	Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	No	Yes	Yes	Yes	
l	Truck and heavy equipment service station and repair facility	No	No	Yes	Yes	
m	Truck wash	No	No	Yes	Yes	
Table 17-5-3.3. Commercial sales and service.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes	
d	Animal hospital	Yes	Yes	Yes	Yes	small animal hospital in NH - no outside large
e	Art needlework shop; art shop; art supply	Yes	Yes	Yes	Yes	
f	Awning sales/repair	No	Yes	Yes	Yes	
g	Baby formula service; baby diaper service; sitter agency	Yes	Yes	Yes	Yes	
h	Bakery, retail sales	Yes	Yes	Yes	Yes	
i	Bank	Yes	Yes	Yes	Yes	
j	Barber shop	Yes	Yes	Yes	Yes	
k	Bath and massage (not part of medical or health spa)	Yes	Yes	Yes	Yes	such as Massage Envy - be sure to define as such
l	Beauty shop	Yes	Yes	Yes	Yes	Define Bath and Massage- requires a massage license
m	Beer outlet, Class A, Class B	No	Yes	Yes	Yes	
n	Bookstore	Yes	Yes	Yes	Yes	
o	Building material sales, enclosed area	No	Yes	Yes	Yes	
p	Building material sales yard, outside, with sale of rock, sand, gravel and the like	No	No	Yes	Yes	
	Business incubator	Yes	Yes	Yes	Yes	This is to allow for a space where a business can start with a low cost and then when they grow move to new space
q	Café, cafeteria, catering establishment, restaurant (not a drive-thru)	Yes	Yes	Yes	Yes	
r	Candy, confectionery, nut shop	Yes	Yes	Yes	Yes	
s	Carbonated and purified water sales	No	Yes	Yes	Yes	
t	Carpet and/or rug cleaning	Yes	Yes	Yes	Yes	
u	Child or adult day care facility	Yes	Yes	Yes	Yes	
v	China and/or silver shop	Yes	Yes	Yes	Yes	
w	Clothes cleaning, dyeing, pressing, dry cleaners	No	Yes	Yes	Yes	
x	Clothing store	Yes	Yes	Yes	Yes	Neighborhood - small store - not Dept Store
y	Coal/fuel sales office	No	No	Yes	Yes	
z	Convenience store with gasoline sales	No	Yes	Yes	Yes	
A	Copy store, blueprinting, photostating, duplicating	Yes	Yes	Yes	Yes	
B	Costume rental	Yes	Yes	Yes	Yes	
C	Delicatessen	Yes	Yes	Yes	Yes	
D	Department store	No	Yes	Yes	Yes	
E	Dramatics school	Yes	Yes	Yes	Yes	
F	Draperies/curtain store	Yes	Yes	Yes	Yes	
G	Dressmaking	Yes	Yes	Yes	Yes	
H	Drive-ins; refreshment stand, eating and/or drinking place	No	Yes	Yes	Yes	
I	Drugstore	Yes	Yes	Yes	Yes	
J	Dry goods store	Yes	Yes	Yes	Yes	
K	Electrical, appliances and fixtures, electronic instruments sales, repair and/or	No	Yes	Yes	Yes	
L	Employment agency or employment office	Yes	Yes	Yes	Yes	
M	Fix-it shop, repair shop, for household items	Yes	Yes	Yes	Yes	
N	Flooring, carpet repair and sales	No	Yes	Yes	Yes	
O	Florist shop	Yes	Yes	Yes	Yes	
P	Fountain equipment supply, restaurant supply	No	Yes	Yes	Yes	
Q	Frozen food lockers	No	Yes	Yes	Yes	
R	Frozen food locker incidental to a main grocery store or food business	No	Yes	Yes	Yes	
S	Fruit/fruit juice store; fruit and/or vegetable stand, or store; natural	Yes	Yes	Yes	Yes	
U	Furniture sales, and/or repair	No	Yes	Yes	Yes	
V	Gift shop; hobby or crafts shop	Yes	Yes	Yes	Yes	
W	Greenhouse, nursery; plant materials; soil & lawn service	Yes	Yes	Yes	Yes	Neighborhood would be a small venture
X	Grocery; meat sales	No	Yes	Yes	Yes	
Y	Gunsmith	Yes	Yes	Yes	Yes	
Z	Hardware store, not including the sale of lumber	Yes	Yes	Yes	Yes	
1	Hardware store, including the sale of lumber providing all lumber storage is in	No	Yes	Yes	Yes	
2	Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	No	Yes	Yes	Yes	

- Supplemental Regs - or parking ordinance will give definition to what is required

Define Bath and Massage- requires a massage license

Commercial Zoning Permitted Yes or No		N e i g h b o r h o o d	H i g h w a v e	G e n e r a l	I n d u s t r i a l	Questions - Comments
As revised during 06/12/23 Meeting						
3	Hospital supplies	No	Yes	Yes	Yes	
4	Household cleaning/ repair, house equipment displays	No	Yes	Yes	Yes	
5	Ice cream shop; ice sales, retail sales and rentals	Yes	Yes	Yes	Yes	
6	Ice manufacture, storage, and wholesale sales	No	Yes	Yes	Yes	
7	Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice	No	Yes	Yes	Yes	
8	Insulation sales	No	Yes	Yes	Yes	
9	Interior decorating store	Yes	Yes	Yes	Yes	
10	Jewelry store	Yes	Yes	Yes	Yes	
11	Kennel, conducted entirely within a soundproof and air conditioned building	No	Yes	Yes	Yes	
12	Laundry, automatic self-help; laundry agency	No	Yes	Yes	Yes	
13	Leather goods	Yes	Yes	Yes	Yes	
14	Linen shop	Yes	Yes	Yes	Yes	
15	Liquor and beer sales; places for the drinking of liquor or beer	No	Yes	Yes	Yes	
16	Lithographing, including engraving, photo engraving	Yes	Yes	Yes	Yes	
18	Lumber yard	No	No	Yes	Yes	
19	Manufactured home sales and storage	No	No	Yes	Yes	
20	Medical/dental clinic, laboratories, infirmary, immediate care facility	No	No	Yes	Yes	
21	Military store	No	Yes	Yes	Yes	
22	Milk distributing station; sale of dairy products, excluding processing/bottling	Yes	Yes	Yes	Yes	
23	Mobile home sales and storage	No	No	Yes	Yes	
24	Monument sales, retail	No	Yes	Yes	Yes	
25	Mortuary, undertaking or funeral establishment	No	Yes	Yes	Yes	
26	Motorboat sales	No	Yes	Yes	Yes	
27	Music store	Yes	Yes	Yes	Yes	
28	News stand; magazine shop; book store	Yes	Yes	Yes	Yes	
30	Novelty shop, variety store	Yes	Yes	Yes	Yes	
31	Nurses' agency	Yes	Yes	Yes	Yes	
32	Office, business or professional	Yes	Yes	Yes	Yes	In Neighborhood this would be small
33	Office, supply; office machines sales, repair	Yes	Yes	Yes	Yes	
35	Optometrist; oculist	Yes	Yes	Yes	Yes	
36	Ornamental iron, sales only	No	Yes	Yes	Yes	
37	Package agency	No	No	Yes	Yes	Privately Owned Liquor store -partner with state
38	Painter/paint store	No	Yes	Yes	Yes	
39	Pest extermination and control office	No	No	Yes	Yes	
40	Pet shop	Yes	Yes	Yes	Yes	
41	Photographer or photography shop, sales and service	Yes	Yes	Yes	Yes	
42	Plumbing shop	No	Yes	Yes	Yes	
43	Popcorn and/or nut shop	Yes	Yes	Yes	Yes	
44	Printing, including engraving, photo engraving	Yes	Yes	Yes	Yes	
45	Printing and small paper reproduction service	Yes	Yes	Yes	Yes	
46	Radio and television sales and repair	Yes	Yes	Yes	Yes	
48	Reception center and/or wedding chapel	Yes	Yes	Yes	Yes	define parking- will this be in a separate parking parking
49	Roofing sales	No	No	Yes	Yes	
50	Second-hand shop, antiques, conducted within a building or enclosure	Yes	Yes	Yes	Yes	
51	Seed/feed store	No	Yes	Yes	Yes	
52	Sewing machine shop	Yes	Yes	Yes	Yes	
53	Sexually oriented businesses	No	No	No	Yes	
54	Shoe shop; shoeshine; shoe repair	Yes	Yes	Yes	Yes	
55	Sign painting shop	Yes	Yes	Yes	Yes	Small scale signs in Neighborhood
56	State store	No	No	No	No	State Owned Liquor store; Do we need one- one in
57	Stationary and greeting card sales	Yes	Yes	Yes	Yes	
58	Tailor shop	Yes	Yes	Yes	Yes	
59	Taxidermist	No	No	Yes	Yes	
60	Technical office for research and development, laboratory & research facility subject to the restrictions below: Limited manufacturing activity shall be considered an allowed accessory use to a technical research and development	No	No	Yes	Yes	I think it would depend upon the type of m/gr & Research, smells, sounds etc
1.	Such manufacturing activity is related to research and development	No	No	Yes	Yes	
2.	No manufacturing activity customarily occurs within 50 feet of a residence	No	No	Yes	Yes	
3.	All manufacturing activity customarily occurs inside of buildings; however,	No	No	Yes	Yes	
4.	Outside research in nonindustrial districts should not customarily involve	No	No	Yes	Yes	
5.	Manufacturing activity, excluding incidental fabrication of outside	No	No	Yes	Yes	
61	Tire shop, sales and repair	No	No	Yes	Yes	
62	Tobacco shop**Use may not be established within six-hundred feet (600'),	No	No	Yes	Yes	
63	Towel and linen supply service	No	No	Yes	Yes	
64	Travel bureau	Yes	Yes	Yes	Yes	
65	Upholstery shop	No	No	Yes	Yes	
66	Variety store, notions	Yes	Yes	Yes	Yes	
67	Veterinary	Yes	No	Yes	Yes	small facility in NH - no outside large animals
68	Veterinary - providing operations are completely enclosed within an air-	Yes	No	Yes	Yes	small facility in NH - no outside large animals
69	Wallpaper store	No	Yes	Yes	Yes	
71	Wholesale business	No	No	Yes	Yes	
Table 17-5-3.4. Dwellings, living quarters and long or short-term structures.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes	
e	Construction equipment and supply trailer, temporary	Yes	Yes	Yes	Yes	As long as there is an active Building Permit
f	Construction field office, temporary	Yes	Yes	Yes	Yes	As long as there is an active Building Permit
g	Hotel, motel, inn, Bed & Breakfast,	No	Yes	Yes	Yes	Air BnB?? - no homes in commercial-NH zone
h	Recreational vehicle park	Yes	Yes	Yes	Yes	
i	Temporary buildings for uses incidental to construction work, including living	Yes	Yes	Yes	Yes	As long as there is an active Building Permit
Table 17-5-3.5. Industrial uses.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes	

Commercial Zoning Permitted Yes or No		N e i g h b o r h o o d	H i g h w a y	G e n e r a l	I n d u s t r i a l
As revised during 06/12/23 Meeting					
d	Baking, ice cream making, and/or candy making	No	No	Yes	Yes
e	Blacksmith shop	No	No	No	Yes
f	Boiler works	No	No	No	Yes
g	Bookbinding	No	No	Yes	Yes
h	Bottling works	No	No	No	Yes
i	Breweries	No	No	No	Yes
j	Cannabis production establishment (not allowed within 1,000 feet of a	No	No	No	No
k	Central mixing plant, related to construction industry for cement, mortar,	No	No	No	Yes
l	Construction of building to be sold and moved off the premise	No	No	No	Yes
m	Dairy	No	No	Yes	Yes
o	Fertilizer and soil conditioner manufacture, processing and/or sales, providing	No	No	No	Yes
q	Foundry, casting light-weight non-ferrous metal	No	No	No	Yes
s	Honey extraction	No	No	No	Yes
u	Knitting mill	No	No	No	Yes
v	Laboratories	No	No	No	Yes
w	Laundry	No	No	No	Yes
x	Machine shop	No	No	Yes	Yes
y	Medical cannabis pharmacy (not allowed within 1,000 feet of a community	No	No	No	No
z	Mobile lunch service	No	No	No	Yes
A	Monument works	No	No	Yes	Yes
B	Motion picture studio	No	No	Yes	Yes
C	Planing mill	No	No	Yes	Yes
D	Power generation (electrical) for on-site use:	No	Yes	Yes	Yes
E	1. solar	No	Yes	Yes	Yes
F	2. wind under 5.9 kva	No	Yes	Yes	Yes
G	3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	No	Yes	Yes	Yes
H	4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than	No	No	Yes	Yes
I	5. steam, hydro, or reciprocating engine with more than 150 kva	No	No	No	Yes
L	Publishing and contract printing	No	No	Yes	Yes
N	Rooftop mounted solar arrays	No	No	No	Yes
O	Sandblasting	No	No	Yes	Yes
P	Saw mill	No	No	No	Yes
Q	Solar energy systems	No	No	No	Yes
W	Upholstering, including mattress manufacture rebuilding or renovating	No	No	No	Yes
X	Weaving	No	No	Yes	Yes
Y	Welding shop	No	No	Yes	Yes
Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.					M f g p
#	Use	N	H	G	D
b	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes
i	Automobiles and their associated parts	No	No	No	Yes
j	Bakery goods	No	No	Yes	Yes
k	Batteries	No	No	No	Yes
l	Billboards and commercial advertising structures	No	No	Yes	Yes
m	Blast furnace or foundry located at least 300 feet from any district boundary	No	No	No	Yes
o	Boats	No	No	No	Yes
p	Bone	No	No	No	Yes
q	Brass	No	No	No	Yes
r	Business machines	No	No	Yes	Yes
s	Cameras and photo equipment, film	No	No	Yes	Yes
t	Candles	No	No	Yes	Yes
u	Candy	No	No	Yes	Yes
v	Canvas, cloth, textiles, wool or yarn	No	No	Yes	Yes
w	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice	No	No	No	Yes
x	Cellophane	No	No	No	Yes
z	Cereal	No	No	No	Yes
E	Cork	No	No	No	Yes
F	Cosmetics	No	No	No	Yes
H	Dairy products	No	No	Yes	Yes
L	Electric or neon signs	No	No	Yes	Yes
M	Electrical, electronic and communication instruments	No	No	No	Yes
O	Engineering, laboratory and scientific instruments, temperature controls	No	No	No	Yes
R	Feathers	No	No	No	Yes
U	Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering	No	No	Yes	Yes
7	Leather or hides	No	No	No	Yes
14	Meat products	No	No	Yes	Yes
	Medical and dental instruments and supplies, optical instruments and lenses	No	No	No	Yes
15	Musical instruments	No	Yes	Yes	Yes
19	Paint	No	No	No	Yes
20	Paper and paperboard products	No	No	No	Yes

Questions - Comments

P&Z interpretation means (P&Z NOTE)
Industrial section = Mass production; small
production incidental to a candy, baking shop in NH
& HWY allowed.
The intent of P&Z for General Zone would be
smaller facility than what would be in Industrial.
Should this item be included here with further
description or moved to the other sections as a
additional item?
(from mtg ALL ITEMS IN Commercial General will
be moved to the Manufacturing section)

P&Z interpretation means (P&Z NOTE)
Industrial section = Mass production; small
production incidental to a candy, baking shop in NH
& HWY allowed.
The intent of P&Z for General Zone would be
smaller facility than what would be in Industrial.
Should this item be included here with further
description or moved to the other sections as a
additional item?
(from mtg ALL ITEMS IN Commercial General will
be moved to the Manufacturing section)

Sherriff in CO said more crime

Animal products as long as smells are not an issue

As per officer a decade in brings crime

Define as a facility that prepared lunches for

Noise?

What about them?

mfg of

Questions - Comments

should there be a yes for NH if there are no

Commercial Zoning Permitted Yes or No		N e i g h b o r h o d	H i g h w a y	G e n e r a l	I n d u s t r i a l	Questions - Comments
As revised during 06/12/23 Meeting						
21	Pharmaceuticals	No	No	No	Yes	
23	Pipe for use in building construction or for sewer or drainage purposes	No	No	No	Yes	
24	Plastics	No	No	No	Yes	
25	Pottery, plaster, incidental plaster, plaster of paris, ceramic, and clay	No	No	Yes	Yes	
28	Rubber and metal stamps	No	No	No	Yes	
29	Rubber or gutta-percha	No	No	No	Yes	
30	Sheet metal products, light, (including heating and ventilation ducts and	No	No	No	Yes	
31	Sheet metal heavy	No	No	No	Yes	
32	Shell	No	No	No	Yes	
38	Straw	No	No	No	Yes	
42	Toiletries	No	No	No	Yes	
43	Toys	No	No	Yes	Yes	
46	Wood	No	No	Yes	Yes	
Table 17-5-3.7. Public and quasi-public uses.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes	
c	Cemeteries	Yes	Yes	Yes	Yes	
d	Churches	Yes	Yes	Yes	Yes	
	Clinics	Yes	Yes	Yes	Yes	added
e	College or university not exempt by statute	No	Yes	Yes	Yes	
g	Dams and reservoirs	No	Yes	Yes	Yes	
h	Hospital, public or private	No	Yes	Yes	Yes	added
	Library	Yes	Yes	Yes	Yes	added
	Museum	Yes	Yes	Yes	Yes	
i	Noncommercial research facility	No	Yes	Yes	Yes	
j	Parks, golf courses, swimming pools and other recreation areas	Yes	Yes	Yes	Yes	
k	Private road	Yes	Yes	Yes	Yes	
l	Private schools	Yes	Yes	Yes	Yes	
m	Public buildings	Yes	Yes	Yes	Yes	
n	Radio/television transmitting towers	No	No	Yes	Yes	
o	Vocational or other schools not exempted by statute	Yes	Yes	Yes	Yes	
Table 17-5-3.8. Recreation, camping and amusement.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes	
c	Archery shop/range, if conducted in enclosed building	Yes	Yes	Yes	Yes	
	Amphitheatre	Yes	Yes	Yes	Yes	Added
d	Athletic club; health club; athletic goods store; gymnasium	Yes	Yes	Yes	Yes	
e	Bicycle shop	Yes	Yes	Yes	Yes	
f	Billiards or pool hall; commercial skating rink	Yes	Yes	Yes	Yes	
g	Bowling alley	Yes	Yes	Yes	Yes	
h	Boxing arena	Yes	Yes	Yes	Yes	
i	Campground	Yes	Yes	Yes	Yes	
j	Dance hall; dancing	Yes	Yes	Yes	Yes	
l	Golf course; commercial miniature golf course;	Yes	Yes	Yes	Yes	
m	Night club/social club	No	No	Yes	Yes	
o	Recreational center, facilities or area that is private and/or commercial	Yes	Yes	Yes	Yes	
q	Swimming pool, commercial	Yes	Yes	Yes	Yes	
r	Theater, indoor	Yes	Yes	Yes	Yes	
s	Theater, outdoor Drive-in Movie, providing:	No	No	Yes	Yes	
	1. A solid fence or masonry wall with a minimum height of six feet shall be	Yes	Yes	Yes	Yes	
	2. Driveways and parking areas shall be provided with properly maintained	Yes	Yes	Yes	Yes	
	3. Automobile off-street storage areas for automobiles awaiting entrance to	Yes	Yes	Yes	Yes	
	4. Minimum area for single screen theater shall be ten acres, and the	Yes	Yes	Yes	Yes	
Table 17-5-3.9. Storage, shipping, transporting and warehousing.					M F G - D	Questions - Comments
#	Use	N	H	G	D	
b	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes	
c	Bus terminal and railroad passenger station, intermodal terminal, public transit	No	No	No	Yes	
d	Coal, fuel and wood yards	No	No	No	Yes	
e	Contractors' equipment storage yard	No	No	No	Yes	
f	Distribution center, parcel delivery center, delivery warehouse	No	No	No	Yes	
g	Drive-it-yourself agency, car, equipment rental	No	No	Yes	Yes	
i	Express office	No	No	Yes	Yes	
j	Freight or trucking yard or terminal	No	No	No	Yes	
k	Garage, public - such as airport parking, or specific to storage of vehicles	No	No	No	Yes	
n	Impound lot with the following minimum conditions:	No	No	No	Yes	
	1. A fence shall be constructed using non-view obscuring materials except if	No	No	No	Yes	
	2. Minimum height of the fence shall be eight feet with a maximum height of	No	No	No	Yes	
	3. All vehicles stored in impound lots shall be maintained on hard surfaces that	No	No	No	Yes	
	4. Temporary storage of a vehicle shall be 6-months or less, except for the	No	No	No	Yes	
o	Junk yard with the following minimum conditions:	No	No	No	Yes	
	1. Every junkyard shall be enclosed by a continuous masonry wall on the	No	No	No	Yes	
	2. Minimum height of the wall eight feet with maximum height of 12 feet;	No	No	No	Yes	
	3. No scrap or junk automobiles or other scrap or junk materials shall be	No	No	No	Yes	
	4. Any openings in a fence or wall shall be fitted with a view-obscuring gate or	No	No	No	Yes	
	5. No exterior display or storage of material or salvage parts or wrecked	No	No	No	Yes	
	6. There shall be no storage of tires except for tires that are on cars;	No	No	No	Yes	
	7. No junkyard shall be used as a dumping area for refuse or as a place for the	No	No	No	Yes	
	8. No hazardous wastes shall be stored within any junkyard;	No	No	No	Yes	

How do we define this relative to the section

As long as behind a wall
For longer than what time?
For longer than what time?; Not poss

Commercial Zoning Permitted Yes or No As revised during 06/12/23 Meeting		N e i g h b o r h o o d	H i g h w a y	G e n e r a l	I n d u s t r i a l	
9. Any oil, grease, or gasoline, must follow EPA, state, federal guidelines for storage.	No	No	No	No	Yes	Questions - Comments For longer than what time? Must have temporary time frame; Not poss
10. All fuels and other liquids shall be drained from any vehicle prior to storage	No	No	No	No	Yes	Cross out storage - DISPOSAL
11. There shall be at least two off-street loading areas of no less than 14 feet x	No	No	No	No	Yes	
12. A fire access with compacted gravel surface shall be around the entire	No	No	No	No	Yes	Not necessary
q Storage units, self-service storage	No	No	Yes	Yes	Yes	
1. Without outside storage	No	No	Yes	Yes	Yes	
2. With off-premises outside self-service storage	No	No	Yes	Yes	Yes	
3. Dwelling unit for on-site manager with stipulations.	No	No	Yes	Yes	Yes	
a. The manager/caretaker must reside	No	No	Yes	Yes	Yes	
in the residence.	No	No	Yes	Yes	Yes	
b. The site must be maintained and landscaped so as to minimize the impact	No	No	Yes	Yes	Yes	
c. The establishment shall conform to all applicable fire, building, and health	No	No	Yes	Yes	Yes	
d. The establishment shall be open to inspection by the Tooele County	No	No	No	No	No	IS this state guidelines for safety of disposal?
e. The housing shall be attached to the main structure and the exterior design	No	No	Yes	Yes	Yes	
f. The housing unit shall have the same address as the main structure.	No	No	Yes	Yes	Yes	
g. The housing unit shall not be sold separately.	No	No	Yes	Yes	Yes	
h. The maximum height restriction shall not exceed thirty-five (40)ft	No	No	Yes	Yes	Yes	
i. Two parking spaces shall be provided for the manager and caretaker. No	No	No	Yes	Yes	Yes	
j. No entrance/exit can lead directly into the manager/caretaker dwelling unit.	No	No	Yes	Yes	Yes	
s Terminal, parking and maintenance facilities	No	No	No	Yes	Yes	
t Transfer company	No	No	No	No	Yes	
u Warehouse	No	No	No	No	Yes	
Table 17-5-3.10. Utilities and utility services.					M F G - D	Questions - Comments
# Use	N	H	G	D		
b Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes		
c Essential service facilities	No	Yes	Yes	Yes		?

Exhibit C

07.31.2023

DRAFT DEFINITIONS

LAKE POINT CITY COMMERCIAL DEFINITIONS DRAFT

Section (xx)

1. Context.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of the Lake Point City Land Use Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, placed, located, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, and parcel. Words used in the Lake Point City Land Use Ordinance but not defined herein shall have the meaning as defined in any other chapter of the Lake Point City Code. (Ord. xx)

2. Definitions.

As used in the Lake Point City Land Use Ordinance:

- (1) "'A" frame sign" means a temporary or a movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.
- (2) "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.
- (3) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from, a primary single-family dwelling and contained on one lot.
- (4) "Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. It does not include garages and decks attached to the main dwelling, or fences.
- (5) "Adversely affected party" means a person other than a land use applicant who:
 - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
 - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (6) "Affected entity" means a county, municipality, local district, special service district, school district, interlocal cooperation entity, specified property owner, property owners' association, public utility, or the Utah Department of Transportation, if:
 - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - (b) the entity has filed with the county a copy of the entity's general or long-range plan; or
 - (c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- (7) "Agent" means any person who can show written proof that he is acting for another and with the person's knowledge and permission.

DEFINITIONS

(8) "Agriculture" means the cultivation of soil; raising of crops; horticulture and gardening; breeding, grazing, keeping or raising of domestic animals and fowl, except household pets; and not including any agricultural industry or business.

(9) "Agricultural industry or business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, such as commercial greenhouses, feedlots, fruit stands, fur farms, food packaging or processing plants; and commercial poultry or egg production.

(10) "Agricultural protection area" means a geographic area created under the authority of UCA Title 17, Chapter 41.

(11) "Airport" means an area designed and set aside for the landing and taking off of aircraft.

(12) "Amusement park" means a commercially operated park with a predominance of outdoor games and activities for entertainment, which may include motorized rides, water slides, miniature golf, batting cages, and the like.

(13) "Animal unit" means a unit of measurement used to calculate the number of animals allowed per acre. A counted animal's offspring are not included in the calculation until:

(a) For large animals, 9 months or weaned, whichever comes first.

(b) For medium animals, 6 months or weaned, whichever comes first.

(c) For small animals, 4 months or weaned, whichever comes first.

(14) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(15) "Architectural projection" means a projection from a building that is necessary for the shading of a building or features, such as eaves, platforms, porches, sills, cornices, and chimneys, but not including signs attached to and extending from the building.

(16) "Assisted living facility" means:

(a) a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:

(i) require protected living arrangements; and

(ii) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and

(b) a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.

(17) "Automatic car wash" means a facility for automatic or self-service washing and cleaning of vehicles.

(18) "Automatic teller machine" or "ATM" means an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

(19) "Automobile dealership" means a retail business characterized by the selling, leasing, and maintaining an inventory of new or used automobiles, light trucks, vans, trailers, recreational vehicles, boats, motorcycles, off-highway-vehicles (OHV) or other similar motorized transportation vehicles; and may provide on-site facilities for the repair and service of vehicles.

(20) "Automobile impound facility" means a facility for the temporary storage of vehicles that are to be claimed by the owners or their agents.

(21) "Automobile mall" means a single location that provides sales space and centralized services for a number of automobile dealers and that may include such related services as auto insurance dealers and credit institutions that provide financing opportunities.

(22) "Automobile parts/supply, retail" means the display and sale of new and used parts for automobiles, trucks, trailers, boats, or other travel or recreation vehicles.

DEFINITIONS

(23) "Automobile repair facility" or "service station" means a place where gasoline or other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and repair services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, including major auto repair.

(24) "Average percent of slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land to the lowest point of land within an area or within a lot. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is a 100 percent slope.

(25) "Awning" means a shelter of non rigid materials on a supporting framework projecting from and supported by the exterior wall of a building.

Compare "Marquee."

(26) "Awning sign" means a sign painted on, printed on, or attached flat against the surface of an awning.

(27) "Banner sign" means a sign having characters, letters or illustrations applied to cloth, paper, flexible plastic or fabric of any kind with only such material for backing.

(28) "Basement" means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground.

(29) "Basement house" means a residential structure without a full story structure above grade.

(30) "Bed and breakfast" means a private owner occupied residence with no more than three guestrooms and the guest use is subordinate and incidental to the main residential use, and where individual guests are prohibited from staying for more than fourteen consecutive days and no more than fourteen days in any three month period. The definition does not include a convention facility, hotel, motel, rooming or boarding house or restaurant.

(31) "Bed and breakfast inn" means a private owner occupied residence with no more than ten guestrooms, and where individual guests are prohibited from staying for more than fourteen consecutive days and no more than fourteen days in any three month period. The definition does not include a convention facility, hotel, motel, rooming or boarding house or restaurant.

(32) "Beginning of construction" means the pouring of concrete footing for a building or structure.

(33) "Billboard." See "Off-premise sign."

(34) "Block" means the land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

(35) "Boarding house" means a dwelling where, for compensation, meals are provided for at least three but not more than 15 persons.

(36) "Body and fender shop" means a facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to the body, or fenders, and including major rebuilding.

(37) "Buildable area" means the portion of a lot remaining after required yards have been provided.

(38) "Building" means any structure used or intended to be used for the sheltering of any use or occupancy, or enclosure of persons, animals, or property.

(39) "Building, accessory." See "Accessory use or building."

(40) "Building, height of" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

(41) "Building inspector" means the official designated as the building inspector for Lake Point City.

(42) "Building line" means the inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

(43) "Campground" means a public area designated by a public agency for camping, or a private area licensed by the county for camping.

DEFINITIONS

(44) "Camping" means a temporary establishment of living facilities such as tents or recreational coaches for a period of days.

(45) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as such terms are more particularly defined.

(46) "Canopy, building" means a rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Compare "Awning."

(47) "Canopy, freestanding" means a rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

(48) "Canopy sign" means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

(49) "Carport" means a private garage with no more than one wall and no overhead door.

(50) "Cellar" means a room or rooms wholly under the surface of the ground, or having more than 50 percent of its floor to ceiling height under the average level of the adjoining ground with an access from the outside and not entering directly into another building or dwelling.

(51) "Charter school" means:

- (a) an operating charter school;
- (b) a charter school applicant that has been approved by a charter school authorizer; or
- (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

Charter school does not include a therapeutic school.

(52) "Chief executive officer" means the person or body that exercises the executive powers of the county.

(53) "Childcare" means continuous care of and supervision of five or more children under 18 years of age for a portion of the day that is less than 24 hours, in lieu of care ordinarily provided by parents in their own home, for direct or indirect compensation.

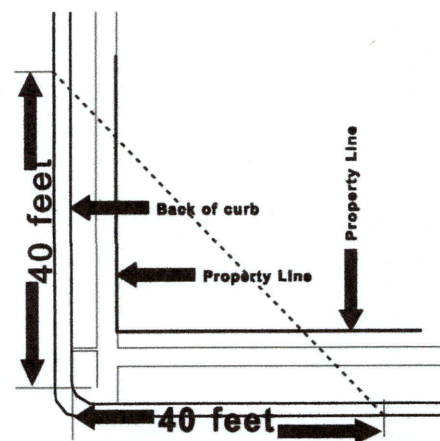
(54) "Church" means a building, together with its accessory buildings and uses, maintained and controlled by a religious organization where persons regularly assemble for worship.

(55) "Clearance of a sign" means the vertical distance from the established grade level to the bottom of the sign or sign cabinet.

(56) "Clear view zone" means the area of a corner lot closest to a street intersection or a street and railroad intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

(a) For street intersections, such an area is established by marking a point at which the two curb lines intersect, measuring back 40 feet along each street, and drawing a line between the two back points to form a triangular area.

(b) For street and railroad intersections, such an area is established by marking a point at which the edge of the street pavement and the closest railroad track intersect, measuring back 40 feet along the edge of the street and railroad track, then drawing a line between the two back points to form a triangular area.



DEFINITIONS

(57) "Clinic, dental or medical" means a building in which a group of dentists, physicians, and professional assistants are associated for the conduct of their professions and may include a laboratory or apothecary, but it shall not include in-patient care or operating rooms for major surgery.

(58) "Club, social" means any organization, group, private nonprofit locker club, or association supported by its members where the sole purpose is to render a service to its members and their guests.

(59) "Common area" means any space designed for joint use of residents of a condominium, apartment complex, etc.

(60) "Community center" means a building to be used as a place of meeting, recreation, or social activity and not operated for profit.

(61) "Community location" means a public or private school, a licensed childcare facility or preschool, a church, a public library, a public playground, or a public park.

(62) "Community management" means the person who owns or has charge, care or control of a condominium, apartment complex, etc.

(63) "Companion animal," see "household pets."

(64) "Comprehensive plan" means general plan.

(65) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(66) "Condominium" means the ownership of a single residential unit in a multi-unit project together with an undivided interest in common; in the common areas and facilities of the property.

(67) "Condominium project" means a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.

(68) "Condominium unit" means a residential unit of a condominium project together with the undivided interest in the common areas and facilities appertaining to that unit, including both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

(69) "Conservation standards" means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Natural Resources Conservation Services, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the uses and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

(70) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

(b) Utah Constitution, Article I, Section 22.

(71) "Construction equipment and supply trailer, temporary" means mobile equipment, travel trailer, truck trailer, or other structure used as equipment and supply shed in conjunction with a construction project. The construction equipment and supply trailer is not a residence or dwelling.

(72) "Construction field office, temporary" means a mobile office, travel trailer, or other structure used as an office in conjunction with a construction project. The construction or field office is not a residence or dwelling.

(73) "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, or material supplied participating in construction on the property on which the sign is located.

DEFINITIONS

(74) "Cottage industry" means a business conducted entirely within a dwelling or in an accessory structure without altering the residential character manufacturing artistic, handicraft, and other craft items and services rendered on the premises.

(75) "Convenience store" means a one story commercial retail operation containing less than 2,500 square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

(76) "Copy, sign" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

(77) "Corral" means a space, other than a building, less than one acre in area used for the confinement of animals or fowl.

(78) "Court, building" means an open space, other than a required yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

(79) "Coverage, building" means the percent of the total site area covered by buildings.

(80) "Crosswalk" means a right-of-way to facilitate pedestrian access and not for use by motor vehicles; it may be located within or without a street right-of-way.

(81) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

(82) "Cultivation" means to prepare and use land strictly for crops or gardening.

(83) "Curb" means a stone or concrete boundary usually marking the edge of a roadway or paved area used to channel water and preserve the edge of the pavement.

(84) "Curb cut" means the provision for ingress and egress between property and an abutting road or street.

(85) "Curb return" means a curved segment of curb used at each end of an opening the roadway curb.

(86) "Dairy" means a commercial establishment

for the manufacture, processing or packaging of dairy products, and their sale; however, the production of milk on a farm for wholesale marketing off the premises shall not be classified as a dairy.

(87) "Density" means the number of persons or dwelling units per acre of gross area.

(88) "Design, subdivision" means the alignment, grade and width for easements and rights-of-way for utilities; the final grade or contouring and general layout of lots and streets within the area; location of land to be dedicated for park or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

(89) "Development activity" means:

(a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

(b) any change in use of a building or structure that creates additional demand and need for public facilities; or

(c) any change in the use of land that creates additional demand and need for public facilities.

(90) "Development agreement" means a written agreement or amendment to a written agreement between the county and one or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.

(91) "Direction or instructional sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs.

(92) "Disability" is defined in Utah Code Section(xx).

DEFINITIONS

(93) "Distribution lines" are those wires generally rated below 49 kilovolts [kVA] and associated structures used to carry electricity between a customer and a transmission line.

(94) "Double-faced sign" means a sign with two faces diverged from a common angle of not more than 45 degrees or back-to-back.

(95) "Driveway" means a private entryway that may be used by a single parcel or shared with more than one parcel to provide access from a public or private road.

(96) "Dwelling" means a building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy for residential purposes by one family as a single unit. It does not include a motor home, trailer coach, accessory building, automobile, truck, shed, garage, tent, or recreational vehicle.

(97) "Dwelling, single-family" means a dwelling arranged or designed to be occupied by one family, the structure having only one dwelling unit.

(98) "Dwelling, two-family" means a single residential building under a continuous roof, the structure containing only two dwelling units completely separated by either a common interior wall or a common interior floor, and having the exterior appearance of a single family dwelling house.

(99) "Dwelling, three-family" means a dwelling arranged or designed to be occupied by three families, the structure having only three dwelling units.

(100) "Dwelling, four-family" means a dwelling arranged or designed to be occupied by four families, and having more than four dwelling units.

(101) "Dwelling, multiple-family" means a dwelling arranged or designed to be occupied by more than four families and having more than four dwelling units.

(102) "Dwelling group" means two or more detached buildings used as dwellings, located on a lot or parcel of land.

(103) "Dwelling unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, which contains not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units. It is designed for occupancy of not more than one family, or a congregate residence for four or less persons.

(104) "Easement" means a non-possessory interest in land of another; a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

(105) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

1. located on the same property as a building described in (a)(i); and
2. used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

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1. not located on the same property as a building described in (a)(i); and
 2. used in support of the purposes of a building described in (a)(i); or
- (ii) a therapeutic school.
- (106) "Elderly residential facility." See "Residential facility for elderly persons."
- (107) "Electrical sign" means a sign in which electrical wiring, connection, or fixtures are used.
- (108) "Electronic message center" means a sign where the copy is changed by computer or electronic methods using liquid crystal display, lights, cathode ray tubes, etc.
- (109) "Emergency" means actions that must be undertaken immediately or within a time frame too short to allow full compliance with this ordinance to avoid an immediate threat to public health or safety, to prevent an imminent threat of serious environmental degradation.
- (110) "Essential services" means services provided by public or private utilities, including underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.
- (111) "Façade" means the entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.
- (112) "Farm" or "ranch" means a parcel of land which is used primarily for commercial horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses, grazing of livestock or other agricultural use.
- (113) "Farm or ranch hand housing" means a dwelling located on a farm or ranch for the purpose of housing an employee of that operation and his / her family including multi-family dwellings for seasonal employees in connection with an agricultural use which relies on seasonal employees.
- (114) "Farm animal" means any animal other than household pets that are used or kept as recreation or food sources, such as horses, cows, swine, or similar type animals.
- (115) "Feedlot" means an agricultural industry in which animals or fowl are kept and intensively fed in a relatively restricted area, as contrasted with an open pasture.
- (116) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
- (117) "Flood hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.
- (118) "Flood plain" means land that:
- (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
 - (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
- (119) "Flood way" means a channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (120) "Floor area" means the area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

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(121) "Floor area ratio" means the total floor area of all buildings or structures on a parcel or lot divided by the area of the parcel or lot, used to measure the intensity of a use on land.

(122) "Forest industry" means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

(123) "Fowl" means chickens, ducks, turkeys, peacocks or other similar domesticated birds.

(124) "Freestanding sign" means a sign supported permanently upon the ground by poles or braces and not attached to any building.

(125) "Front yard setback" means that part of a lot, extending the full width of the lot, which is between the front property line and the front building line.

(126) "Frontage, building" means the length of an outside building wall on a public right-of-way or an approved private road.

(127) "Frontage" means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage. On curvi-linear streets, the arc between the side lot lines shall be considered the lot frontage.

(128) "Garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, snowmobiles, or other recreational vehicles.

(129) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:

- (a) the unincorporated land within the county; or
- (b) for a mountainous planning district, the land within the mountainous planning district.

(130) "Geologic hazard" means:

- (a) a surface fault rupture;
- (b) shallow groundwater;
- (c) liquefaction;
- (d) a landslide;
- (e) a debris flow;
- (f) unstable soil;
- (g) a rock fall; or
- (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.

(131) "Governing body" means City Council of Lake Point City, Utah, also referred to as the City Council

(132) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within a line five feet from the building.

(133) "Grade, finished" means the final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, excavating or contouring have been made on the ground surface.

(134) "Gross floor area" means the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this zoning ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area

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at each floor level devoted to stairwells and elevator shafts. The surface area of tennis courts, swimming pools, driveways, parking spaces, and decks is not included in the total floor area.

(135) "Group home." See "Residential facility for persons with a disability."

(136) "Handicapped residential facilities." See "Residential facility for persons with a disability."

(137) "Height, sign" means the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

(138) "Home based business" means a commercial or light industrial use of a scale greater than home occupation but which is still secondary to the residential use. It may be conducted entirely within a dwelling, an accessory structure or on the premises. A home based business does not include agricultural activities.

(139) "Home occupation" means any use conducted entirely within a dwelling or accessory structure and may at times utilize a portion of the premises. It is carried on by persons residing in the dwelling unit and no more than one employee hired outside of the dwelling unless otherwise stated, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character. There shall be no outside storage allowed.

(140) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system.

(141) "Hospital" means an institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums, clinics and instant care facilities.

(142) "Hotel" means an establishment that commonly provides lodging accommodations, meals and other amenities to guests for compensation. Hotel lodging rooms are generally accessed from inside a building.

(143) "Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, canaries, and shall not include the keeping of inherently or potentially dangerous animals, such as lions or tigers, etc.

(144) "Identical plans" means building plans submitted to a county that:

- (a) are clearly marked as "identical plans";
- (b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and
- (c) describe a building that:
 - (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
 - (ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
 - (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and
 - (iv) does not require any additional engineering or analysis.

(145) "Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person or to the activity or occupation being identified.

(146) "Illegal sign" means a sign which does not meet the requirements of the Lake Point City Land Use Ordinance and which has not received non-conforming status.

(147) "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(148) "Impact fee" means a payment of money imposed under the Impact Fees Act.

(149) "Impound lot" means a facility operated according to UCA Section 41-1a-101 through 41-1a-1106 for the temporary storage of vehicles to be claimed by the owners or their agents.

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(150) "Improvement" means street construction, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, on-site construction, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities, utilities, or construction.

(151) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the county to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

- (a) recording a subdivision plat; or
- (b) development of a commercial, industrial, mixed use, or multi-family project.

(152) "Improvement warranty" period means a period:

- (a) no later than one year after the county's acceptance of required landscaping; or
- (b) no later than one year after the county's acceptance of required infrastructure, unless the county:
 - (i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - (ii) has substantial evidence, on record:
 - 1. of prior poor performance by the applicant; or
 - 2. that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

(153) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

- (a) is required for human occupation; and
- (b) an applicant must install:
 - (i) in accordance with published installation and inspection specifications for public improvements; and
 - (ii) as a condition of:
 - 1. recording a subdivision plat;
 - 2. obtaining a building permit; or
 - 3. developing a commercial, industrial, mixed use, condominium, or multi-family project.

(154) "Inoperative vehicle or trailer" means any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe. This includes any vehicle or trailer that is not currently licensed.

(155) "Interior sign" means a sign located within a building so as to be visible only from within the building in which it is located.

(156) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

- (a) runs with the land; and
- (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
- (ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(157) "Interstate pipeline company" means a person or entity engaged in natural gas transportation across multiple states subject to the jurisdiction of the Federal Energy Regulatory Commission.

(158) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation in one state that is not subject to the jurisdiction of the Federal Energy Regulatory Commission.

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(159) "Junk" means any salvaged or scrap copper, brass, iron steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk. Junk shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which remain in such condition for a period of time in excess of sixty days.

(160) "Junk yard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, scrap metals or material, the dismantling, demolition or abandonment of vehicles, or machinery or parts thereof; but shall include a salvage yard, or war surplus yard.

(161) "Kennel" means any premises where domestic animals, such as dogs and cats, older than four months are kept except where accessory to an agricultural use.

(162) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(163) "Land use application":

(a) means an application that is:

(i) required by the county; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

(164) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

(165) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit;

(b) a land use application; or

(c) the enforcement of a land use regulation, land use permit, or development agreement.

(166) "Land use permit" means a permit issued by a land use authority.

(167) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

1. increase a land use applicant's cost of development compared to the existing specification; or

2. impact a land use applicant's use of land.

(168) "Large scale sales event sign" means an advertising display that is temporary in nature, is not permanently attached to the ground or sign surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, and, promotion of a new product, new hours of operation, a new service, or to promote a special sale or promotion. The temporary sign or banner is intended to inform the public of a unique happening and shall not include construction, placement, maintenance, or erection of any prohibited sign devices as described in §24-4-4 or other types of non-compliant accessory signs. Large scale sale event signs shall not be used for permanent advertising purposes beyond what is allowed by this ordinance.

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(169) "Lateral sewer" means a sewer which discharges into another sewer and has only sewer inlets from buildings and structures tributary into it.

(170) "Legislative body" means the county council.

(171) "Local attorney" means the county attorney or any other attorney officially representing Lake Point City, Utah.

(172) "Local building inspector" means the building inspector employed by or officially representing Lake Point City, Utah.

(173) "Local district" means any entity created pursuant to Utah Code Titles 17B, 17C, or 17D, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

(174) "Local engineer" means the engineer employed by or officially representing Lake Point City, Utah.

(175) "Local governing body" means the City Council of Lake Point City.

(176) "Local health officer" means the health officer employed by or officially representing Tooele County Department of Health.

(177) "Local jurisdiction" means Lake Point City, Utah.

(178) "Local planner" means the planner employed by or officially representing Lake Point City, Utah.

(179) "Local surveyor" means the county surveyor or any other surveyor officially representing Lake Point City, Utah.

(180) "Lot" means a parcel or unit of land described by metes and bounds or as described on a subdivision plat and held or intended to be held in separate lease or ownership, either as an undeveloped or developed site, or a parcel or unit of land shown as a lot, plat, or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units.

(181) "Lot area" means the horizontal area within the exterior lines of the lot, exclusive of any area in a public or private open to public uses.

(182) "Lot, corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

(183) "Lot depth" means the average horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

(184) "Lot frontage" means that portion of a lot that is the length of the front lot line which is coterminous with the front street lines.

(185) "Lot, interior" means a lot other than a corner lot.

(186) "Lot line" means the property line bounding the lot.

(187) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels pursuant to UCA Title 17 Chapter 27a:

(a) whether or not the lots are located in the same subdivision; and

(b) with the consent of the owners of record.

Lot line adjustment does not mean a new boundary line that:

(a) creates an additional lot; or

(b) constitutes a subdivision.

Lot line adjustment does not include a boundary line adjustment made by the Department of Transportation.

(188) "Lot line, front" means the lot line adjoining the street for an interior lot; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

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(189) "Lot line, rear" means that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten feet in length within the parcel parallel to and at the maximum distance from the front line.

(190) "Lot line, side" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

(191) "Lot, restricted" means a lot or parcel having an average slope of 30 percent or more or which does not contain a buildable area of at least 75 feet by 100 feet, such lot being prohibited as a building site.

(192) "Lot width" means the minimum lot width for each zoning district measured from the front setback line.

(193) "Lot, unrestricted" means a lot having an average slope of less than 30 percent and containing a buildable area of at least 75 feet by 100 feet.

(194) "Main building" means a structure in which the primary use of the land, lot or parcel is conducted.

(195) "Maintenance, sign" means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(196) "Major transit investment corridor" means:

- (a) public transit rail right-of-way;
- (b) a dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
 - (i) a public transit district; or
 - (ii) an eligible political subdivision.

(197) "Mansard" means a sloped roof or roof-like facade architecturally comparable to a building wall.

(198) "Manufactured home" means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards act of 1974 (HUD Code), in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(199) "Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

(200) "Marquee sign" means any sign attached to or supported by a marquee structure.

(201) "Medical cannabis pharmacy" means a person or entity that acquires or intends to acquire, possess, and sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder.

(202) "Medical clinic" means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. Compare "Clinic, dental or medical."

(203) "Mine" means a site from which ore, rock, minerals, precious metals or natural substances other than plant or animal organisms can be extracted. "Mine" includes the site of the mine with its surface buildings, structures, elevator shafts, and equipment.

(204) "Mining" means the process or business of extracting ore, rock, minerals, precious metals or natural substances from the surface or below the surface of the earth.

(205) "Mobile home" means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured housing and Safety Standards Act (HUD Code) and which was designed to be a long-term residential dwelling unit, with

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or without a permanent foundation, and originally constructed as a complete package which includes major appliances, plumbing, and electrical facilities prepared for appropriate connections.

(206) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(207) "Modular home" means a permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site and which is classified as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

(208) "Monument sign" means a sign mounted directly to the ground with maximum height not to exceed six feet.

(209) "Motel" means an establishment that commonly provides lodging accommodations to guests for compensation. Motel lodging rooms are generally accessed directly from outside.

(210) "Multiple-face sign" means a sign containing two or more faces, not necessarily in back-to-back configuration. "National Cooperative Soil Survey" means the soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal or Utah State agencies.

(211) "National Cooperative Soil Survey" means the soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal or Utah State agencies.

(212) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(213) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

(214) "Nonconforming sign" means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(215) "Nonconforming use" means a use of land that:

(a) legally existed before the current land use designation;

(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(216) "Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

(217) "Official map" means a map drawn by Lake Point City and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

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(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) is adopted as an element of the general plan.

(218) "Off-premise outside self-service storage" means an exterior depository or safekeeping of equipment, goods, materials, products, vehicles, trailers, and the like, which are in operable condition and which are not being specifically displayed as merchandise or offered for sale. Outside storage may be enclosed by a structure that includes a roof and no more than one side wall.

(219) "Off-premise sign" or "billboard" means a sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

(220) "Off-street parking space" means the space required to park one passenger vehicle off the public right-of-way.

(221) "Off-site improvements" means improvements not on individual lots but generally within the boundaries of the subdivision which they serve.

(222) "On-site improvements" means the construction or placement of structures and appurtenant improvements on a lot.

(223) "On-premise sign" means a sign which pertains to the use, product or commodity sold, or service performed on the premises on which it is located.

(224) "Open space" means the area reserved in fields, pastures, parks, courts, schools, playgrounds, golf courses, and other similar open areas, or is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through an approved legal instrument.

(225) "Open space, usable" means any portion of a lot or building which:

- (a) is open to the sky or is open to view in at least two sides;
- (b) is readily accessible by foot traffic from the building to which it is accessory; and
- (c) is not provided from any required front or side yard, parking area, or driveway space.

(226) "Owner" means the holder of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any lessee, permittee, assignee, or successor in interest.

(227) "Package agency" means a retail liquor location operated under a contractual agreement with the Alcoholic Beverage Control Department, by a person other than the State, who is authorized by the Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

(228) "Parapet" means the extension of a false front or wall above a roofline.

(229) "Parcel" means any real property that is not a lot.

(230) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement pursuant to UCA Title 17 Chapter 27a, if no additional parcel is created and:

- (a) none of the property identified in the agreement is a lot; or
- (b) the adjustment is to the boundaries of a single person's parcels.

Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that:

- (a) creates an additional parcel; or
- (b) constitutes a subdivision.

Parcel boundary adjustment does not include a boundary line adjustment made by the Department of Transportation.

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- (231) "Parcel of land." See "Lot."
- (232) "Parking lot" means an open area other than a street, used for the parking of automobiles and which is available for public use.
- (233) "Pedestrian-way." See "Crosswalk."
- (234) "Permanent monument" means any structure of concrete, masonry or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Lake Point City or the State of Utah for permanent monuments.
- (235) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (236) "Personal agriculture" means the keeping of farm animals or fowl for personal recreation and/or personal non-commercial production of food.
- (237) "Plan for moderate income housing" means a written document adopted by the county legislative body that includes:
- (a) an estimate of the existing supply of moderate-income housing located within the county;
 - (b) an estimate of the need for moderate income housing in the county for the next five years;
 - (c) a survey of total residential land use;
 - (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
 - (e) a description of the county's program to encourage an adequate supply of moderate income housing.
- (238) "Planned unit development or PUD" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.
- (239) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of the county with planning and zoning functions as exercised through the planning advisory area planning commission, but with no legal or political identity separate from the county and no taxing authority.
- (240) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that is prepared and certified by a licensed professional land surveyor.
- (241) "Plot" means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.
- (242) "Political sign" means a temporary sign used in connection with a local, state, or national election or referendum.
- (243) "Portable sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- (244) "Potential geologic hazard" area means an area that:
- (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
 - (b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.
- (245) "Preliminary plat" means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this ordinance.

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(246) "Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

(247) "Primarily residential zone" means a residential zoning district primarily intended for residential uses and does not include Agricultural or Multiple-Use Zones.

(248) "Primary dwelling" means a detached single-family dwelling that is occupied as the primary residence of an owner of record.

(249) "Private garage." See "Garage."

(250) "Private non-profit locker club" means a social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Revised Nonprofit Corporation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

(251) "Private recreational grounds and facilities" mean recreational grounds and facilities operated by a person, corporation, association, or group other than the State or political subdivision thereof.

(252) "Private road" means a privately owned road which affords principal means of access to abutting parcels or lots.

(253) "Process" or "processing" means the act, business or procedure of taking raw, extracted or pre-processed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

(254) "Projecting sign" means a sign, other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(255) "Protection strip" means a strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

(256) "Public agency" means:

- (a) the federal government;
- (b) the state;
- (c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or
- (d) a charter school.

(257) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(258) "Public meeting" means a meeting that is required to be open to the public by the Open and Public Meetings Act.

(259) "Public recreational facility" means a publicly owned or operated indoor or outdoor facility whose main purpose is to provide the general public with amusement or an entertainment activity, including fair grounds, riding stables, picnic and camping, water slides, pools, baseball fields, soccer fields, museums, arenas.

(260) "Public road" means a public way which affords a means of access to abutting properties.

(261) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

(262) "Public water system" or "public sewage system" means a system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority.

(263) "Quasi-public use" or "quasi-public facility" means a use conducted by, or a facility or structure owned by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural,

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recreational, religious, institutional, medical, community service or other similar types of public services, and includes private hospitals, medical offices and cemeteries.

(264) "Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

(265) "Rear yard setback" means that part of a lot between the rear building line and the rear lot line, and extending the full width of the lot, the depth of which yard is measured from the rear lot line to the building line of the building.

(266) "Receiving zone" means an unincorporated area of the county that the county council designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

(267) "Record of survey map" means a map of a survey of land prepared in accordance with UCA 17-23-17.

(268) "Recreational coach" means a vehicle, such as a travel trailer, tent camper, camp car or other vehicle designed or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act, and designed for use as a human habitation for a temporary and recreational nature.

(269) "Recreational coach park" or "overnight park" means any area or tract of land where lots are rented or held out for rent to owners or users of recreational coaches for a temporary time not to exceed 30 days.

(270) "Recreational coach space" means a plot of ground within a recreational coach park designated and intended for the accommodation of one recreational coach.

(271) "Recreational facility" means any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, health facilities, and amusement parks, but not including amusement centers.

(272) "Recreational facility, commercial indoor" means any commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

(273) "Recreational facility, private indoor" means any private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

(274) "Residential facility for elderly persons" means a dwelling inhabited by persons who are at least 60 years old and who live in a group setting with common caretakers. "Residential facility for elderly persons" does not include a dwelling occupied solely by members of the same family, a health care facility, a nursing home, a retirement center, an assisted living facility or a residential facility for persons with disabilities.

(275) "Residential facility for persons with a disability" means a residence in which more than one person with a disability resides; and

(a) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(b) is licensed or certified by the Department of Health under Title 26, Chapter 21. Health Care Facility Licensing and Inspection Act.

(276) "Riding academy" means a structure or land use where people pay to be trained in riding equines.

(277) "Right-of-way" means the area, either public or private, over which the right-of-passage exists.

(278) "Roof sign" means any sign erected partly or wholly over or on the roof of a building; however, a structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building.

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(279) "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

(280) "Rooftop mounted solar array" means a rooftop photovoltaic power station, or rooftop photovoltaic system, which has its electricity-generating solar panels or arrays mounted on the rooftop of an agricultural, residential, commercial, or industrial building or structure.

(281) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

- (a) parliamentary order and procedure;
- (b) ethical behavior; and
- (c) civil discourse.

(282) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft.

(283) "Salt" means any component, solid or liquid, of the sodium elements, such as sodium chloride, potash, sodium hydroxide, brine, etc.

(284) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

(285) "School, private" means a school which is operated by a quasi-public or private group, individual, or organization, and which has curriculum similar to that provided in any public school in the state of Utah.

(286) "School, public" means a school operated by a school district or other public agency.

(287) "Self-service storage facility" means a building or group of buildings divided into separate units leased to individuals and organizations, or businesses for self-service storage of personal property.

(288) "Sending zone" means an unincorporated area of the county that the county council designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(289) "Service lines" are all those wires, poles, and appurtenant equipment used to carry electricity between distribution lines and a customer.

(290) "Side yard setback" means that part of a lot between the side building line and the side lot line, and extending from the front yard setback to the rear yard setback. The width of the side yard is measured from the side lot line to the building line of the building.

(291) "Sign" means any device, structure, fixture, or placard using graphics, symbols, or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, person, entity, interest, product, goods, or services. It includes any structural supports, lighting systems, attachments, ornaments or other features.

(292) "Sign alterations" means a change or rearrangement in the structural parts or design whether by extending on a side increasing in area or height, or by relocation or changing the position of a sign.

(293) "Sign, area" means the entire face of a sign including the advertising surface and any framing, trim, or molding.

(294) "Sign, community" means a sign that contains information appurtenant to non-commercial activities and interests within the community, but do not advertise any function or service that will create a gain for the advertiser.

(295) "Sign face" means the part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose, including the frame or structural members if they are designed with lighting or other ornamentation that is incorporated for the sign design.

(296) "Site plan" means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or structures, and those yet to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission or preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

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(297) "Snipe sign" means a temporary sign or poster affixed to trees, fences, poles, stakes, building supports, other signs or sign structures, building facades, or any other object not specifically designed for the posting of signs.

(298) "Solar Energy System" means a facility that collects and converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or other solar technologies, and transmits such electricity to off-site users, together with all accessory uses and facilities incidental thereto, including, without limitation, generators; electrical transmission and distribution lines and facilities (including transmission lines with a capacity of 50 KV or greater); communication lines, cables, conduits, and facilities; electric transformers, substations, and interconnection facilities; energy storage facilities; telecommunications equipment; control buildings and maintenance yards; access roads, fences and gates.

(299) "Special event" means circuses, fairs, carnivals, festivals, or other types of special events that:

- (a) run for longer than eight hours but not longer than six months;
- (b) are intended to or likely to attract substantial crowds; and
- (c) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

(300) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in UCA Section 54-2-1.

(301) "Spot zone" means a zoning amendment which singles out a relatively small parcel for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property, which is invalid because it is not in accordance with the general plan.

(302) "Stable, commercial" means a structure or land use where equines or livestock are kept for sale or hire, boarded, or trained.

(303) "Stable, private" means an accessory building for the keeping of horses or livestock owned by the occupants of the premises and not kept for hire, remuneration or sale.

(304) "Stable, public" means any stable where horses are boarded or kept for hire.

(305) "State" includes any department, division, or agency of the state.

(306) "State store" means a facility for the sale of package liquor located on premises owned or leased by the State of Utah and operated by state employees, but does not apply to any licensee, permittee, or to package agencies.

(307) "Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls do not extend more than four feet above the floor of such story, and the floor area does not exceed 2/3 of the floor area immediately below it.

(308) "Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, including a building, tower, smokestack, overhead transmission line, flag pole, or antenna.

(309) "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(310) "Subdivider" means any person who causes land to be divided.

(311) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- (a) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

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(b) except as provided otherwise in this Ordinance, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

- (a) a bona fide division or partition of agricultural land for agricultural purposes;
- (b) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary if no new lot is created;
- (c) a recorded document, executed by the owner of record:
 - (i) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
 - (ii) joining a lot to a parcel;
- (d) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - (i) an electrical transmission line or a substation;
 - (ii) a natural gas pipeline or a regulation station; or
 - (iii) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
- (e) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary if:
 - (i) no new dwelling lot or housing unit will result from the adjustment; and
 - (ii) the adjustment will not violate any applicable land use ordinance;
- (f) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (i) is in anticipation of future land use approvals on the parcel or parcels;
 - (ii) does not confer any land use approvals; and
 - (iii) has not been approved by the land use authority;
- (g) a parcel boundary adjustment;
- (h) a lot line adjustment;
- (i) a road, street, or highway dedication plat;
- (j) a deed or easement for a road, street, or highway purpose; or
- (k) any other division of land authorized by law.

(312) "Subdivision amendment" means an amendment to a recorded subdivision that:

- (a) vacates all or a portion of the subdivision;
- (b) alters the outside boundary of the subdivision;
- (c) changes the number of lots within the subdivision;
- (d) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- (e) alters a common area or other common amenity within the subdivision.

(313) "Subdivision cluster" means a subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

(314) "Subdivision vacation" means the process of removing from record a section of land that was subdivided.

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(315) "Substandard lot" means a lot created prior to January 10, 1975 or having been granted a special exception by the board of adjustment and which has less than the required lot area or width for the zoning district in which it is located.

(316) "Substantial evidence" means evidence that:

- (a) is beyond a scintilla; and
- (b) a reasonable mind would accept as adequate to support a conclusion.

(317) "Suspect soil" means soil that has:

- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- (b) bedrock units with high shrink or swell susceptibility; or
- (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

(318) "Temporary sign" means a sign not constructed or intended for long-term use, with a maximum time period of 90 days.

(319) "Therapeutic school" means a residential group living facility:

- (a) for four or more individuals who are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
- (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and
- (c) that offers:
 - (i) room and board; and
 - (ii) an academic education integrated with:
 - 1. specialized structure and supervision; or
 - 2. services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

(320) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a landowner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

(321) "Unincorporated" means the area outside of the incorporated area of a municipality.

(322) "Unlicensed motor vehicle" means any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under UCA Section 41-22-9 or any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

(323) "Use" means the purpose for which a parcel, building, lot, sign or structure is intended, designated, occupied, or maintained.

(324) "Vacation plat" means a plat submitted for the purpose of removing a subdivision from the records of the county recorder and the county assessor which shows the area that is to return to its original state.

(325) "Vicinity plan" means a map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within 300 feet of the property proposed.

(326) "View-obscuring fence, wall or hedge" means a fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

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(327) "Wall sign" means a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges, including painted, individual letters, and cabinet signs, and signs on a mansard.

(328) "Water interest" means any right to the beneficial use of water, including:

- (a) each of the rights listed in UCA Section 73-1-11; and
- (b) an ownership interest in the right to the beneficial use of water represented by:
 - (i) a contract; or
 - (ii) a share in a water company, as defined in UCA Section 73-3-3.5.

(329) "Window sign" means a sign installed inside a window and intended to be viewed from outside the building.

(330) "Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward.

(331) "Yard, front." See "Front yard setback."

(332) "Yard, rear." See: "Rear yard setback."

(333) "Yard, side." See: "Side yard setback."

(334) "Zone." See "District, zone."

(335) "Zoning administrator" means the local official designated by the county commission to enforce zoning regulations.

(336) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

(337) "Zoning ordinance" means the Lake Point City Land Use Ordinance of Lake Point City, Utah. (Ord. xx)

Exhibit D
07.31.2023

**DRAFT SUPPLEMENTAL REGULATIONS FOR THE USE, DEVELOPMENT, AND
MANAGEMENT OF LAND IN ALL ZONES WITHIN LAKE POINT**

07/29/2023 – This document is to be posted with the agenda for the PC 07/31/2023 meeting for public comment.

Section 1. General Application of Regulations

1. The regulations set forth in this Ordinance shall be supplemental and in addition to all other land use regulations, and they shall apply to all zones and districts within Lake Point except where expressly superseded or exempted by this Ordinance or by the specific regulations for a particular zone or district.
2. Notwithstanding the foregoing, the standards, regulations, entitlements, and terms set forth herein shall not apply to any property for which a development agreement or other similar contract that establishes and vests development standards and rights has been, prior to the incorporation of Lake Point, executed and recorded for against title to the particular property. The zoning standards, regulations, entitlements, and terms for such property subject to a development agreement or other similar contract shall be as set forth in the applicable, recorded agreement or contract. The owner of such property subject to a development agreement or other similar contract may request that the City enter into a development agreement that modifies the vested development standards and rights established under the development agreement or other similar contract in accordance with state law.

Section 2. Definitions (NOTE: should this section reference a separate definitions section, be removed, or does it need to include definitions here? References for a separate definition chapter include: Tooele County, Kane County, and draft from consultant, which do not have a definitions section within their supplemental regulations.

Section 3. Review Procedures and Land Use Authority (Note: This section still needs to be built out or moved to the Site Plan Review Process – presently being worked on)

1. The City Council shall be the land use authority for all land use applications except for building permits, construction and civil plans, subdivision plats, and other land use applications expressly authorized by ordinance to be approved by a different person or entity.
2. DRC (NOTE: This is still in discussion. What is the process for the PC to receive the Staff report showing the results of the application review by each related party – Fire, engineer, etc?)

3. Planning Commission
4. Application and Fees
5. Timing and Review Procedures

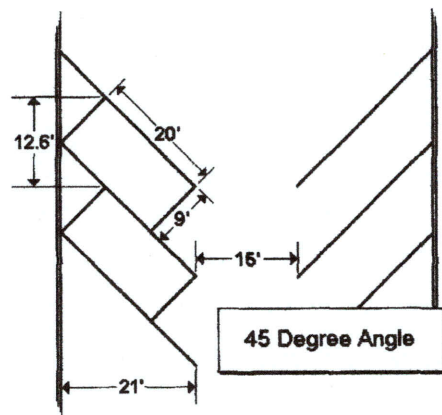
Section 4. Parking:

1. Parking Required.
 - a. The minimum off-street parking spaces required by the applicable zoning regulation shall be provided for any use of land or main building or structure in the city. Parking facilities shall be provided at the time the use is established or the building erected.
 - b. No building or structure shall be enlarged, altered, or converted unless there is provided and thereafter maintained for such building and its use the minimum number of required parking spaces.
 - c. Space for off-street parking being used in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking. Parking areas shall be maintained in perpetuity as long as the requirement for off-street parking is needed.
2. Parking Location. Parking spaces and areas shall be located on the same lot or parcel as the main building or structure, unless a valid easement, covenant, declaration or other instrument is executed and recorded by all affected property owners granting a perpetual right to use adjacent property for parking areas, access, and maintenance.
3. Reciprocal Parking.
 - a. Up to 25 percent of the parking facilities required for uses considered to be primarily daytime uses may be provided by the parking facilities for uses considered to be primarily night-time uses or vice versa.
 - i. A use shall be considered to be a primarily day-time or night-time use based on information submitted by the applicant.
 - ii. A use may be considered a day-time use if the majority of activity associated with the use ends no later than 6:00 p.m. each day.
 - iii. A use may be considered a night-time use if the majority of activity associated with the use begins no earlier than 4:00 p.m. each day.
 - iv. Residential uses shall not be considered either day-time or night-time uses, may not be served by reciprocal parking, and shall require parking spaces separately dedicated for the residential use.

- b. Reciprocal parking areas shall be contiguous and the joint use of such facilities by different buildings, properties, or uses must be assured by easements, declarations, and/or covenants recorded against each affected property that provide that the parking areas shall not be removed or reduced and establish the terms by which the properties will share in the use and maintenance of the parking areas and related accesses and landscaping.

4. Parking Spaces and Alignment.

- a. Tandem/double parking (two vehicles end-to-end) shall not be allowed except for single-family and other residential dwellings.
- b. Parking spaces shall be either ninety-degree parking or forty-five-degree parking as the spaces relate to the drive aisle.
- c. Ninety-degree parking spaces shall be a minimum of nine feet wide by eighteen feet long (9' x 19').
- d. Forty-five-degree parking spaces shall be a minimum of nine feet wide by twenty feet long (9' x 20'), with a minimum of 12.6 feet between the top corners of each space and a minimum of 21 feet from opposite corners of the space.
- e. All handicapped parking spaces shall be provided and designed in accordance with the 2003 American National Standard, as now or hereafter amended.



5. Access.

- a. Drive aisles providing access to parking shall be a minimum of twenty feet between ninety-degree parking spaces or a minimum of fifteen feet between forty-five-degree parking spaces, unless the aisle is determined to be a fire access road and additional width is required by fire code.
- b. Parking areas shall have access on public roads, and such access shall be a minimum width of 20 feet.

- c. All commercial and institutional parking facilities shall have direct access to a street without backing into the right-of-way
 - d. Parking areas with more than [X] spaces shall have a minimum of two access points from public roads.
6. **Lighting.** The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much nighttime lighting is needed results in better lighting practices, darker skies and reduced energy use and costs. Lake Point City encourages lighting practices and systems which will: minimize light pollution, glare, glow, and excessive glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment. Any and all new and major addition to land uses, developments and buildings or structures are encouraged to use hooded lighting practices and adhere to the Dark Skies Ordinance. (Ord.)
7. **Landscaping/Buffering.** Need to find content for this section.

Section 5. Construction and Occupancy; Site Plans (is this covered in a separate ordinance.

- 1. The construction, alteration, repair, erection, placement, or removal of any building, structure, mobile home, modular home, manufactured home, office trailer or part thereof as permitted in any chapter of this land use ordinance shall not be commenced or continued except after review by the zoning administrator or designated representative and a written permit from the building inspector. If work is not started or substantial progress is not made within 180 days a new permit will be required. The issuance of the permit shall be pursuant to an application that contains all required information as required by the state construction code.
- 2. An occupancy permit, requested and approved pursuant to state construction code and other applicable laws, shall be required prior to the occupancy of any structure.
- 3. **SHOULD THIS SECTION BE MOVED TO THE SITE PLAN REVIEW AND ONLY REFERENCED HERE>** Prior to constructing any building upon or developing any commercial, mixed-use, industrial, or other non-residential and non-agricultural property, the applicant shall submit construction and building plans, as required by the state construction code, and the applicant shall also submit a site plan for the lot or parcel, which shall be drawn to scale, contain relevant details, dimensions, and elevations, and provide at least the following information and specifications, to the extent applicable:
 - a. North arrow and legend;

- b. Lot size and dimensions;
 - c. Setbacks and overhangs for setbacks;
 - d. Easements and existing water facilities (ditches, canals, ponds, etc.);
 - e. Property lines;
 - f. Retaining walls, over 4 feet, as measured from any point along the retaining wall touching or adjoining the uniform, natural, or cut grade;
 - g. Hard surface areas;
 - h. Curb and gutter elevations as indicated in the subdivision documents;
 - i. Utilities lines, connections, and facilities, including on-site drainage, wells, culverts, meters, and sewer lateral or septic tank locations;
 - j. Street names;
 - k. Access and parking areas, including the amount and type of parking spaces, and distance to nearest driveway if within 25 feet of another driveway;
 - l. Proposed landscaping, for non-residential uses;
 - m. Location of the nearest hydrant;
 - n. Monuments, free-standing permanent signs, and other permanent installations;
 - o. Location of all structures and building on the lot, including proposed construction, showing their number of stories and height, the distance from all property lines and other existing or proposed structures, and occupancy, dwelling type, or use;
4. The applicant for any construction shall be solely responsible for coordinating and obtaining approval of and installing all utility connections, extensions, and facilities. Connections shall be installed in accordance with the standards of the servicing utility. In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system as defined by the Utah State Department of Environmental Quality is not available, and in all situations where a connection to a public water system approved by the Utah State Department of Environmental Quality is not available the sewage disposal and the domestic water supply shall comply with the requirements of Tooele County Health Department. The application for a building permit shall be accompanied by a certificate or other documentation of approval from the Tooele County Health Department and other utility servicing entities.

5. Except for automobile repair, car dealerships, service stations, and storage facilities, all storage, trash areas, garage doors and other loading and unloading facilities for non-residential uses shall be screened from public view and not be visible on the front of the building. Large trash dumpsters in all commercial zones shall be screened from public view and not visible from the front of the building

Section 6. Off-site Improvements.

1. The applicant for a site plan or building permit shall provide for the installation of swales along the entire property line abutting any public street. The installation of such improvements shall be of a type and design approved by the city, and shall be required on any existing street adjoining the lot or parcel on which a building is to be constructed or remodeled, or on which a new use is to be established. Such improvements may be required as a condition of a building permit or a use permit approval.
2. The planning commission may grant an exception to the installation of swales in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety, and welfare is preserved.
3. In the Commercial-Highway; General; Industrial Zones, the installation of curbs, gutters and sidewalks of a type approved by the Lake Point Engineer may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters or sidewalks may be required as a condition of a building permit or a use permit approval. (Ord.)
4. The planning commission may grant an exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved. (Ord.)
5. The applicant for a site plan or building permit shall provide, construct, and install all required utility lines, mains, and other facilities necessary to serve the property in accordance with the regulations and standards of the servicing entity.
6. No work, construction, or excavation shall be commenced within an existing public right of way except in accordance with City regulations and specifications, including requirements for the applicant's submission of plans and specifications for the work, the applicant's payment of applicable fees and provision of financial assurances, the applicant's receipt of duly issued and approved permits and other approvals.
7. The applicant for a site plan or building permit shall provide, construction, improve, or widen, as necessary, the public or city-approved private road along the designated frontage of the lot or parcel. Such road shall be constructed to city standards, shall provide a minimum drivable surface as required by fire code, and shall include at

least half of the drivable surface required by city road specifications and all adjacent facilities and improvements along the lot or parcel frontage.

Section 7. Buildable and Non-Conforming Lots. **Possibly change title to Lot Standards**

1. Every lot shall have such area, width and depth as is required for the zoning district in which such lot is located in order to be a buildable, lawful lot.
2. Any lot created through an exemption from the subdivision requirements, including those exemptions under Utah Code § 10-9a-605 and Utah Code § 17-27a-605, and any other lot or parcel created without being platted on an approved subdivision plat, is not a buildable lot for a residential dwelling or use, unless the lot or parcel meets the definition of a buildable lot. To become a residential building lot, the lot or parcel shall first be subdivided, created, and recorded on a subdivision plat.
3. Any lot or parcel, other than those described in section 2 herein, lawfully subdivided and approved by the relevant land use authority, and which does not meet the size, frontage, or other requirements of the zoning district in which it is located, may be used for a single-family dwelling if it is located in a zoning district that permits single family dwellings. Such use shall conform to the applicable setback requirements for the zoning district.
4. Except as expressly authorized, each building shall be placed and maintained on a separate and buildable lot or parcel.
5. No building permit shall be issued for a building on a lot or parcel that does not have frontage upon or access to a publicly dedicated street or an approved private street.
6. No lot for dwelling use shall be created which is more than three times as deep as it is wide, provided that, in the RR1 district, the City may approve the creation such lots if the applicant proves that a deeper lot is the most judicious configuration of the property, but in no case shall more than five such lots be approved in any subdivision, and no such lots shall be more than five times as deep as it is wide.

Section 8. Yards

1. No required yard, setback area, or other open space required for a particular lot, parcel, or building shall be considered as providing a yard, setback area, or open space for another building or property, nor shall any yard, setback area, or other required open space on an adjoining property be considered as providing a yard, setback area, or open space for the property on which a building is to be erected or established.
2. **Effect of official map.** Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped property line facing the street as provided by the official map. (Ord.)

3. Every part of a required yard shall be unobstructed and open to the sky, except for:
 - a. Permitted accessory buildings and structures;
 - b. the ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet, provided such projections do not cross the property line;
 - c. trees and other vegetation; and
 - d. projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet, provided such projections do not cross the property line.
 - e. In no case shall a stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc. (Ord.)

Section 9. Clear View of Intersecting Streets and Sight Triangle Requirements

1. Clear Vision Area. No structure, building, fence, wall, hedge, or other visual obstruction in excess of three (3) feet in height shall be placed on any corner lot within a triangle area formed by the intersecting streets and an imaginary line connecting the streets at points forty (40) feet from the intersection of the streets, which points are located on the closest edge of the street to the lot. Pole signs and a reasonable number of trees pruned to at least ten feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians are permitted.
2. No structure, building, fence, wall, hedge, or other visual obstruction in excess of three (3) feet in height shall be placed closer than 14 feet to a neighboring driveway.
3. Where there is a difference in the grade of the properties related to the sight-triangle area or driveway, the height of a structure, building, fence, wall, hedge, or other visual obstruction shall be measured from the higher side.
4. There shall be no structure, building, fence, wall, hedge, or other physical obstruction within three (3) feet of any fire hydrant.
- 5.
6. Signs or other advertising structures shall not be erected at the intersection of any street or driveway in such a manner as to obstruct free and clear vision. They shall not be erected at any location where by reason of the position, shape or color, they may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words, "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse vehicle operators.

Section 10. General Regulations.

1. The city and all land use applicants are bound by and shall comply with all mandatory provisions of Lake Point land use, zoning, construction, and development ordinances, standards, codes, and regulations.
2. All departments, officials and public employees of Lake Point which are vested with the duty or authority to review, issue permits or licenses shall conform to the provisions of this land use ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would conflict with the provisions thereof. Any permit or license, if issued in conflict with the provisions of this land use ordinance, shall be null and void.
3. No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except as authorized by applicable Lake Point regulations. No land, building or structure shall be used for any purpose not allowed in the zone in which such land, building or structure is located. This shall not restrict the use of land or the alteration, enlargement, or construction of buildings and structures for greenbelt and similar agricultural uses, as defined by the Utah Farmland Assessment Act and for uses and construction exempted under state construction code.
4. Fees shall be charged to applicants for building, occupancy, conditional use permits, zoning approvals, site and design review, subdivisions, planned unit development approval, hearings, appeals, and such other services required by this land use ordinance to be performed by public officers or agencies, as established by resolution in amounts reasonably necessary to defray costs to the public and the city.
5. This land use ordinance shall not nullify the more restrictive provisions of covenants, agreements, conditions of approval of any permit, plat, or other document, or other ordinances or laws, but this ordinance shall prevail over any such provisions which are less restrictive. All development, use, and management of land shall comply with all covenants, agreements, and conditions of approval of any permit, plat, or other document reviewed and approved by the City.
6. If any provision of this ordinance addresses a subject addressed by the state construction code or the state land use, development, and management act, the more restrictive provision shall apply, unless there is a direct conflict, in which case the state regulation shall apply.
7. Only one application for a particular use, construction, or development shall be permitted at one time. Multiple applications may be submitted for a single property, so long as each application is addressed to a different use, construction, or development. The submission of a new application regarding a use, construction, or development for which an application is pending shall, at the election of the applicant, be disregarded or shall revoke and replace the pending application. Fees

shall be required for all new applications, and fees paid for prior applications shall not be applied to new applications.

8. No property, and no portion of any lot or parcel, that exceeds 30% slope shall be graded, constructed upon, or disturbed without appropriate engineering. **Excludes a private access road to private property.**
9. **SALE, LEASE, OR CONVEYED AWAY OF REQUIRED SPACE:** No space or property needed to meet the width, yard, area, coverage, setback, parking, or other requirements of the Lake Point land use ordinances for a lot, parcel, building, or structure may be sold, deeded, subdivided, or otherwise conveyed away from such lot, parcel, or building.
10. **SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:** No parcel of land may be divided or subdivided from a larger parcel without being approved as a subdivision, unless exempt from subdivision requirements under state law, nor shall any parcel of land be divided or subdivided from a larger parcel in a manner that creates a lot that has less than the minimum width, frontage, setback, yard, and area requirements for the zoning district in which it is located, unless the lot is subject to a conservation easement or similar recorded restriction that controls and limits the use of the lot. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development, or any other land use.
11. All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed:
 - a. penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
 - b. fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures;
 - c. public and quasi-public utility buildings.
 - d. transmission lines with nominal voltage rating of 50kV or greater; and
 - e. substations.

Section 11. Penalties.

1. Unless otherwise specified herein, a violation of this Ordinance shall be an infraction.

2. The erection, construction, reconstruction, alteration, or change in occupancy of any building or structure without a building permit shall be an infraction.
3. A civil penalty may also be imposed, pursuant to administrative proceedings conducted by the city. The penalty amount shall not be greater than the fine that would apply were the violation prosecuted as a criminal matter. The pursuit of criminal penalties shall not restrict or prohibit the pursuit of civil penalties or other remedies, and vice versa.
4. The city may also enforce the provisions of this Ordinance by any other remedy available at law, including injunctions, mandamus, abatement, and proceedings to prevent, enjoin, abate, or remove the unlawful buildings, use, or act.
5. The city may also enforce the provisions of this Ordinance by withholding a building permit or certificate of occupancy, to the extent permitted by state law.

OTHER ITEMS TO RECOMMEND/CONSIDER ADDING BUT NOT SURE WHERE

- **EASEMENTS AND RIGHTS OF WAY:**

Uses of easements and/or rights-of-way shall be permitted in or through any zone for the purpose of serving a permitted or approved conditional use in the same or any zone. Such easements or rights-of-way may be used for uses similar to, but not limited to, the following:

- A. Roads, streets, highways.
- B. Railroads, tramways, cableways, and conveyor systems.
- C. Pipelines for the transmission of water, wastewater, materials, fuels or products.
- D. Overhead and underground transmission or distribution lines, including poles, towers, and conductors.
- E. Uses not requiring continuous routes along the ground such as radio, television or microwave relay stations and towers.
- F. Structures and facilities incidental to the above. (Ord)

- **SOLAR ENERGY SYSTEMS:**

Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.

- **RETAIL TOBACCO SPECIALTY BUSINESS PROHIBITED:**

DEFINITIONS:

RETAIL TOBACCO SPECIALTY BUSINESS: Has the same meaning as defined in Utah code section 17-50-333(1)(b), as amended: a commercial establishment in which:

- A. The sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment;
- B. Food and beverage products, excluding gasoline sales, is less than forty five percent (45%) of the total annual gross receipts for the establishment; and
- C. The establishment is not a licensed pharmacy under Utah code.

TOBACCO PARAPHERNALIA: Defined in Utah code section 76-10-104.1(1)(b), as amended, means any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, excluding matches or lighters but including:

- A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- B. Water pipes;
- C. Carburetion tubes and devices;
- D. Smoking and carburetion masks;
- E. Roach clips: meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand;
- F. Chamber pipes;
- G. Carburetor pipes;
- H. Electric pipes;
- I. Air driven pipes;
- J. Chillums;
- K. Bongs; and
- L. Ice pipes or chillers.

TOBACCO PRODUCT: Is defined in Utah code section 17-50-333(c), as amended, to mean any cigar, cigarette, or electronic cigarette, as well as any product made of or containing tobacco, including chewing tobacco or any substitute for a tobacco product, including flavor or additives

to tobacco. "Tobacco product" also includes tobacco paraphernalia. (Ord. 2013-6, 8-12-2013, eff. 8-27-2013)

9-10-17-2: PROHIBITION:

A. The establishment and/or operation of a retail tobacco specialty business is prohibited in all unincorporated areas of Lake Point City.

B. Lake Point City shall not issue a business license to any retail tobacco specialty business for use in any zone.

- C. The use of a properly obtained business license for the operation of a retail tobacco specialty business in any zone in Lake Point City is prohibited. (Ord

- **LOTS DIVIDED BY A ZONE BOUNDARY:**

A lot divided by a zone boundary shall be subject to the following special regulations:

(1) A use allowed in the less restrictive zone but not allowed in the more restrictive zone may be allowed to extend into the more restrictive zone but not more than 50 feet by approval of the appeal board, if the appeal authority finds that the extension is required for the reasons of justice and equity and will not be harmful to neighboring property or human values.

(2) A substandard lot may have area added from a legally-existing, legally-created, or existing substandard lot through a subdivision approval or by a variance issued by the appeal authority if the total lot area would not equal the minimum lot area of the zone, as long as the creation of the new lot or lots, or the addition of land to an existing lot:

(a) would not create undesirable land patterns or prevent desirable subdivision designs in the area;

(b) would not be detrimental to the development of required or desirable streets, utilities, or other public facilities or service; and

(c) would provide a usable and desirable lot for the uses and densities allowed.

(3) The uses allowed on any portion of the new lot shall only be those allowed in the district in which such portion of the lot is located.

- Any such enlarged lot shall not be re-subdivided except through submission and approval of a subdivision plat. (Ord

- **TEMPORARY RESIDENCES FOR EMERGENCY CONSTRUCTION OR REPAIR:**

If for reason of emergency construction or major repair there is need for a temporary residence on construction sites, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the director of the Department of Engineering with the following terms and conditions:

(1) The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is temporary and is not to exceed six months, with the exception that the owner can apply for a six month extension, provided that substantial progress of the emergency, construction or repair is demonstrated. There shall be no more than three extensions granted for any temporary use permit or any lot, parcel or property;

(2) The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Building Code and the Tooele County Land Use Ordinance and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

(3) The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:

(a) immediately following completion of the project, construction or repairs, or

(b) immediately upon the expiration of the term of the temporary use permit.

(4) The Department of Engineering and its employees may review the temporary use permit or the structures on the property to ensure compliance and substantial progress.

(5) Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Tooele County Land Use Ordinance with the following exceptions:

(a) They shall leave the running gear intact.

(b) The skirting shall be of a temporary construction, not of masonry material.

(6) The temporary structure, mobile home, manufactured housing or recreational vehicle shall not be issued a building permit, placed, stored, located, or constructed on the property until a temporary use permit has been issued. (Ord