

Lake Point City Council Minutes

Date: Wednesday, June 7, 2023

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

Time: 6:00 PM

1. **Call to Order-** 6:00 pm
2. **Prayer-** Ryan Zumwalt
3. **Pledge of Allegiance-** Rickey Lloyd
4. **Presiding Officer-** Jonathan Garrard
5. **Attendance Roll Call-** Jonathan Garrard

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair)	Frankie Duke	Deb Virkus
Ryan Zumwalt (Vice Chair)	Hannah Caldwell	
Dan Crawford (C.)	Randall Marshal	
Kathleen VonHatten (C.)	Rickey Lloyd	
Doyle Garrard (C.)	Lori Chigbrow	
Jamie Olson (RCDR)	Martina Martinez	
Rob Patterson (Attorney) (left at 2:16 am)	Marc Virkus	

6. Legal Training – Rob (2:27 recording)

- A. (Rob) Kathleen had asked about the process in creating an ordinance.
 - i) Rob takes other city's codes and tweaks them, and the council changes the ordinance from there.
- B. (Rob) Kathleen asked about the fire protection agency.
 - i) Lake Point doesn't have an agency, they have the North Tooele Fire District.
- C. Jonathan asked about the BLM land and the fire protection of BLM land.
 - i) Rob wasn't sure about the bill that was being referenced.

7. Public Comment- (6:21 recording)

- A. Motion- Kathleen to open Public Comment, Dan 2nd
- B. Vote was unanimously approved
 - i) Hannah Caldwell
 - 1) The Planning and Zoning recommended the least amount of restrictions on pools and to not tell the public they had to fence or cap their pools. It's a really good idea but it is not about safety, it's about control or there would be seatbelts on public transportation. If it were about safety there would be fences around public waterways, ponds, etc. Please amend it so someone's pool on their own property is not accessible to the general public.
 - 2) ADU renting out, the public has been told you want to be business friendly and welcome RBB and by telling people to use their property, she is not sure what the fear of letting people rent and then not allowing them to use property to run a business.
- C. Motion- Kathleen to close Public Comment. Doyle 2nd
- D. Vote was unanimously approved.

8. Approve the Minutes- (10:01 recording)

- A. April 12, 2023
- B. April 19, 2023
- C. April 26, 2023
- D. Motion-Doyle to approve the minutes on April 12, 19, and 26, 2023. Jonathan 2nd

- i) Vote was unanimously approved
- 9. **Action/Business Items** (10:55 recording)
 - A. Post Moratorium Submission Review for moratorium exemptions
 - i) Joseph Maestas- an extension of the timeline with the county the council imposed.
 - 1) Motion -Kathleen to extend until the end of August. Ryan 2nd
 - 2) Passed 3 yea 2 nay
 - 3) Record-Jonathan would like to say I understand building and I think we should be following the county's timeline for submission since we turned it over to them in the first place and the applicant has been doing what they need to in that time.
 - 4) Doyle- by voting yea I'm not saying we're not going to be flexible and if they are still having problems after August that it can be reviewed again.
 - 5) Ryan- wants to second that comment.
 - ii) Thomas Calton- new build
 - iii) Andy Lewis- new build
 - iv) Council discussed new builds and how they want to process the list of people who have been waiting to submit permit applications
 - v) The council discussed the timing of fees being paid by the applicant for permits.
 - vi) Motion- Jonathan new builds not sending them to the county that we will be covered under our code and a process we will have in place shortly. Ryan 2nd
 - vii) (Jamie) asked about requiring an engineer for a barn.
 - B. O 2023-13 RR-1 Zone (48:24 recording)
 - i) Record-Dan feels like they are not listening to our planning and zoning, we are not listening to the meeting where they had 30-45 people out. I think if this wasn't presented 30-40 minutes before a meeting, I'd be more tickled pink about it. I feel like we are approving things that are not what our community wants and have had mixed emotions over it the last two days and am a little disheartened by it to tell you the truth.
 - ii) (Dan) If there is someone that has more than one ADU and he asked if a complaint happens, does that allow them to go into their house?
 - 1) Normally they don't like to go into someone's house. A city would need permission from the homeowner, or they would need a warrant to enter.
 - iii) Council discussed the timeframe of what Ryan presented, the time frame for decision making, Planning and Zoning recommendations, public feedback, and supplemental regulations.
 - iv) Motion-Ryan we move forward with the document that has been reviewed by Rob, reviewing it for the supplemental regulations Kathleen 2nd.
 - 1) Vote-Jonathan Nay -Ryan Yea -Dan Nay -Kathleen Yea -Doyle Nay
 - 2) Motion 3 Nay 2 Yea
 - 3) Motion Failed
 - v) Council and Commission discussed further.
 - vi) Doyle's understanding of the motion was it was moving forward on the Ordinance not moving forward to review it. He is fine to review it and if the planning and zoning needed time to review it, he was okay with that.
 - vii) Motion-Doyle- to open this up for discussion so we can review what has been presented by Rob and what we have had an opportunity to review and have an open forum on it and decide. To review the updated one this week and received on 06.02.2023. Dan 2nd
 - viii) Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - ix) Passed unanimously
 - 1) Council reviewed RR1 (See Exhibit A Draft)
 - 2) Section 2. Purpose (1:28:40 recording)
 - (a) ADU's and Duplexes discussed

- (b) Record-Ryan- I copied (purpose paragraphs) from Ephraim, Spring City, Fairview, they have "Must" in there to try and protect those rural areas, Spring City especially. (1:48:40 recording)
 - (c) Continued discussion and editing of Section 2. Purpose
- 3) Section 2. 2. Spot Zoning (2:05:41 recording)
 - (a) Record- Ryan- I'm for option one, I want to provide the public two opportunities. One to determine if they want to change anything into the RR-1 zone and change the ordinance that we have written. And two, to give another opportunity. So, two processes is what I am for, for the public so they can tell us if they want to do that in the first place. For the record I feel that we can carve out for groups, a new zone that this would not apply to if we have a developer come, we can say here is all your property and we can say it is a mixed-use zone for this development and we call it the "Kennecott Zone" that we would not apply to that, they can divide that and rezone their property to a "Kennecott Zone". For me, I think that this gives people the protection for the RR-1 zone, that we are trying to protect and gives multiple hearings. (2:30:56 recording)
 - (b) Record-Dan- I'm for property rights for the person that owns the property and for freedom to choose (2:31:48 recording)
 - (c) Record- Jonathan- I am for the residents that are already here and their right to do with their property as they choose and in an easier manner than what is being suggested. Meaning they only have to go through one public hearing instead of two for the existing people that already live here. (2:31:59 recording)
 - (i) The majority wanted option 2
- 4) Section 3 Definitions (2:33:35 recording) (if a specific definition was discussed extensively a title and time stamp will be added)
 - (a) Collector Road (2:49:49 recording)
- 5) Section 4. Regulations
 - (a) Section 4.3. Setbacks (3:14:30 recording)
 - (b) Record- Jonathan- would like to be in favor of the residents here on property lines not being in the correct spots and making them have to have longer driveways or longer setbacks than their neighbors. (3:15:00 recording)
- 6) Section 4.6. Retaining Walls (3:19:00 recording)
- 7) Section 5. Subdivision Development (3:24:00 recording)
- 8) Section 4.5. Building Coverage (3:31:45 recording)
 - (a) Record-Jonathan- he would like to do something different for the smaller size lots (3:37:47 recording)
- 9) Section 5.i. Utility Easement (3:39:55 recording)
- 10) Section 6.3.c. ADU size (4:04:42 recording)
- 11) Section 6.6. Pools (4:31:52 recording)
- 12) Section 13.3. Civil Penalties (5:26:30 recording)
- 13) Jonathan- Record- I am not in favor of putting a lot of fines on our citizens, excessive fines, what I deem excessive fines. (5:36:10 recording)
- 14) 6.5. Residential Facilities (5:37:37:00 recording)
- x) Motion- Jonathan that we pass Ordinance 2023-13 RR-1 Zone as amended by legal counsel. Kathleen 2nd (5:52:17 recording)
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - 2) Record-Ryan I oppose some sections of the ordinance in relation to the external ADU rentals. That by our own ordinances we are rezoning the city to higher density and things that are opposed by our residents regarding what are developers are doing of creating more than one home per acre. I support ADU's but do not want to impact the cost, services, revenues outside of taxes, by having them not recorded for affordable housing. Changing our population numbers and everything. I also oppose not requiring topographical maps showing slopes greater than 10% for primary house being built and slopes being built on greater than 30%. (5:53:32 recording)

- xi) Passed unanimously
- C. Council had a 5-minute recess recorder continued during recess. (5:55:09-6:04:00 recording)
- D. R 2023-16 Draft Policies and Procedures for Land Use Ordinance Adoption (6:04:00 recording)
 - i) Council discussed.
 - ii) Record- Jonathan- the meeting minutes of Nov. 30, 2022, items 11 A. and B. specify Land Use and Zoning as Dan and Jonathan and Ordinance as non-land uses to Kathleen and Ryan. Something we decided back when we were first beginning this endeavor on committee assignments. (6:10:57 recording).
 - iii) Council discussed concerns and edits to the Policies and Procedures for Land Use Ordinance Adoption Draft.
 - 1) Section 4. Public Comment Public Hearing for Land Use. (7:47:30 recording)
 - 2) Section 4. A.
 - iv) Record- Jonathan- this is what Tooele County did and we have talked about not doing this many times as a council. Limiting it to that specific time period. We wanted to be able to hear from the public and make sure we understood what they were saying. (7:50:20 recording)
 - v) Record- Jonathan- I think it is perfectly fine for citizens to address staff during the public meeting because the staff is usually the ones working on a day-to-day basis with them. That they don't need my permission as a member of the council. (07:57:11 recording)
 - vi) Section 4.C.
 - vii) Record-Jonathan- I would want it to be the super majority of the council. (for both opening and closing of public comment)
 - viii) Motion- Ryan to adopt Resolution Policies and Procedures for Land Use Ordinance Adoption as amended through the meeting. Doyle 2nd
 - 1) Roll Call Vote-Jonathan Nay -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - 2) Passed 4 Yea to 1 Nay
- E. R 2023-XX Procedural Written Outline for Lake Point Council Subcommittees (8:09:32 recording)
 - i) (Dan) gave a brief summary of this resolution.
 - ii) Motion-Kathleen table till next week. Ryan 2nd
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
- F. R 2023-XX Policy and Procedure to adding items to City Council Agenda for 2023 (8:13:26 recording)
 - i) Motion-Jonathan to table Policy and Procedure to adding items to City Council Agenda for 2023 and Lake Point City Council Citizen Concern Submission and Resolution Policy until next week. Dan 2nd (8:13:26 recording)
 - ii) Vote was unanimously approved.
- G. Lake Point City Council Citizen Concern Submission and Resolution Policy Table
 - i) Tabled in the previous motion.

10. Attorney Clarification (8:14:42 recording)

- A. (Kathleen) The lease for Fire Dept and Rob will review it.
- B. (Ryan) asked if he was out of town and if he knew how he wanted to vote on something, is there a proxy vote.
 - i) (Rob) you need to be in attendance to vote.

11. Council Updates

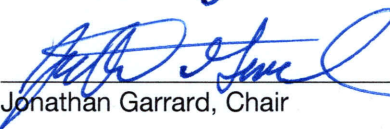
- A. Kathleen VonHatten (8:16:49 recording)
 - i) (Kathleen) we need a laptop for Trash Flow- Jamie will get a laptop.
 - ii) (Kathleen) gave an update on Civic Review software
 - iii) (Kathleen) discussed sandbag dumping
 - iv) (Kathleen) moratorium permit process (8:28:19 recording)
 - v) (Kathleen) open house dates for general plan flyer
 - vi) (Kathleen) update on the map,

- vii) (Kathleen) had a "vision" idea (see Exhibit B)
- B. Jonathan Garrard (8:44:15 recording)
 - i) (Jonathan) gave the Candidate Filing and the Candidates that filed for City Council
 - 1) Kathleen VonHatten
 - 2) Doyle Garrard
 - 3) Zachary David Bartholomew
 - 4) Kirk Pearson
 - ii) No need for a Primary Election
- C. Doyle Garrard (8:45:00 recording)
 - i) weed control by county for Lake Point
 - ii) certified tax rate
- D. Dan Crawford (8:51:13 recording)
 - i) Home Based Occupation Council go in and review the document.
- E. Ryan Zumwalt (8:51:28 recording)
 - i) Dark Sky Ordinance- Kathleen and Ryan are working on this
- 12. Public Comment** (8:58:09 recording)
 - A. Motion- Dan- to open Public Comment. Ryan 2nd
 - B. Vote was unanimously approved
 - C. Motion- Jonathan- to close Public Comment. Doyle 2nd
 - D. Vote was unanimously approved
- 13. Adjournment-** 2:59 am June 8, 2023

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 Council this 23rd day of August, 2023


Jonathan Garrard, Chair

ATTEST:


Jamie Olson, City Recorder



Exhibit A
2023 06.07
Draft Council Reviewed in Meeting

ORDINANCE NO. 2023-13

AN ORDINANCE ADOPTING AND CREATING THE RR-1 ZONING DISTRICT WITHIN LAKE POINT

WHEREAS, pursuant to Utah Code Title 10, Chapter 9a, Lake Point is authorized to adopt land use regulations, create and define zoning districts, and regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures and the use of land within such districts;

WHEREAS, Lake Point desires to establish rules and regulations for residential zoning and uses, to be known as the Rural Residential Zoning District (RR1);

WHEREAS, the Lake Point Planning and Zoning Commission provided notice of and conducted a public hearing regarding the RR1 zoning regulations, which hearing was held on May 22, 2023;

WHEREAS, the Planning and Zoning Commission issued a recommendation regarding RR1 zoning regulations for the review of the Lake Point City Council on May 22, 2023;

WHEREAS, the City Council provided notice of and conducted a public hearing regarding the RR1 zoning regulations and the recommendation of the Planning and Zoning Commission related thereto, which hearing was held on May 31, 2023;

WHEREAS, after reviewing the recommendation of the Planning and Zoning Commission, and after having made such adjustments to the recommended RR1 zoning regulations as the City Council found appropriate and necessary, the City Council finds that it will be in interest of Lake Point and its residents, and will provide for the general welfare, prosperity, and benefit of Lake Point residents, to adopt the RR1 zoning regulations as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. The Rural Residential Zone District (RR1) is hereby created, subject to the regulations, terms, restrictions, and conditions set forth herein.

Section 2. General

1. Purpose:

The Rural Residential zone, also known and referred to as the RR1 zone, is established to create a rural residential zone which aims to promote and preserve conditions suitable for large-lot family life, and reduced reliance on public services. The district safeguards against the encroachment of high density housing, commercial and industrial activities and is intended as a permanent residential zone

for those areas of the community where it is desirable to maintain low residential densities for residents to enjoy a rural lifestyle, including establishing where the growing of crops and the boarding, caring for, raising, grazing, feeding, riding, and training of horses and other livestock, farm animals, and pets often found in rural areas (collectively, "Livestock"), and to have their attendant noises, odors, and sights is encourages and supported.

The character and essence of the city is the RR1 zone and all efforts to protect this zone should be encouraged. Uses permitted in the RR1 zone must be incidental thereto and should not change the basic rural character of the zone. The RR1 area is an integral part of the Lake Point area and must be protected for residents and visitors.

The rural residential zone is intended for residential single-family dwellings that are in harmony with the rural characteristics of the area. The includes supporting purposes and ordinances to ensure adequate, air, open space for each dwelling, commensurate with single-family occupancy, and desirable residential qualities of such minimum vehicular traffic and quiet residential conditions favorable to family living and the rearing of children shall prevail.

This zone is characterized by low density, commingling of one-family detached dwellings on individual lots, agricultural activities, parks, playgrounds, schools, and churches. This zone is also characterized by promoting the health, safety, comfort, convenience, order, prosperity, aesthetics, and welfare of the present and future inhabitants of Lake Point to preserve the quality of the rural lifestyle.

2. Spot Zoning:

- a. Spot zoning is not permitted within the RR1 district, unless required to rezone a particular property to better conform with the general plan of the City.
- b. [Option 1] Spot zoning is defined as a rezone, zoning code amendment, land use approval, or development agreement that grants a special privilege for or to a particular property of 2 acres or smaller, which privilege is not otherwise generally granted to all other similarly situated property within the zoning district.
- c. [Option 2] Spot zoning is defined as waiving land use regulations, development standards, or subdivision requirements, or granting use variances, to permit a particular property of 2 acres or smaller to be developed, subdivided, or used in a manner not otherwise permitted for similarly situated property within the zoning district.

3. Applicability:

- a. The standards, regulations, entitlements, and terms set forth herein for the RR1 district shall apply to all property zoned RR1, as shown on the official Lake Point Zoning Map.
- b. Notwithstanding the foregoing, the standards, regulations, entitlements, and terms set forth herein for the RR1 district 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 3. Definitions

1. Accessory Building and Accessory Structure: Any building or structure that is not the primary building, including sheds, garages, barns, and pools.
2. Accessory Dwelling Unit: A dwelling unit added to, created within, or detached from a primary single-family dwelling and contained on one lot or parcel in addition to the primary single-family dwelling.
3. Accessory Dwelling Unit – Detached: An accessory dwelling unit that is not connected or attached to the primary building dwelling with the single-family dwelling.
4. Accessory Dwelling Unit – Internal: An accessory dwelling unit created within a primary single-family dwelling, within the footprint of the primary single-family dwelling at the time the internal accessory dwelling unit is created, and created for the purpose of offering a long-term rental of 30 consecutive days or longer.
5. Buildable Lot: A lot that was created and is shown on a recorded subdivision plat that was lawfully approved by the relevant land use authority, which meets all size, frontage, setback, and other requirements for lots, which can be used and developed in accordance with the relevant zoning regulations.
6. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
7. Collector Class Roads: The following streets, and new streets as designated by the City, are Collector Class Roads:
 - a. Saddleback Boulevard
 - b. ?
8. Dwelling Unit: One or more interconnected rooms, which together function as a single unit that provides independent and complete living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation, for a single family.
9. Family:

- a. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children; or
 - b. A group of not more than four persons not so related, living together as a common household.
- 10. Home-based Business: As defined by the city's home-based business ordinance.
- 11. Home Occupation: As defined by the city's home occupation ordinance.
- 12. Lot: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
- 13. Parcel: Any real property that is not a lot.
- 14. Primary Building: The principal building upon a lot or parcel. Garages, carports, additions, extensions, and other buildings or structures that are attached to primary dwelling or other main building shall be considered as a part of the primary building.
- 15. Setback: A setback is the distance required between. Setbacks shall be measured from the closer of the following: property line, back of sidewalk away from the street, back of curb, edge of street/asphalt.
- 16. Single-family Dwelling: A primary building that contains only one dwelling unit for the occupancy of a single family, or one such dwelling unit and one internal accessory dwelling unit.
- 17. Structure: Anything constructed or erected which requires location on the ground, but not including a tent or automobile.
- 18. Subdivision: 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, unless such division is expressly exempt from the definition of subdivision under state law. Subdivision further includes all other types of division or development, as defined by the state land use, management, and development act.
- 19. Urban Farming: Cultivating food or other marketable crop or engaging in livestock production, including grazing, as further defined by Utah Code § 59-2-1702.
- 20. Yard – Front: The portion of a lot or parcel facing or fronting a street within the required setback area.
- 21. Yard – Rear: The portion of a lot or parcel opposite a street within the required setback area. This definition does not apply to corner lots, which only have front and side yards.

22. Yard – Side: The portion of a lot or parcel that are not front or rear yards, within the required setback area.

Section 4. Regulations.

1. Minimum Lot Size: The minimum lot size for the RR1 district shall be 1 acre.
2. Residential Dwelling Placement:
 - a. Minimum Width: The minimum width for residential lots shall be 125 feet.
 - b. Frontage Requirement: Each residential dwelling must have a minimum frontage of 25 feet on a public road or private access road.
 - c. Collector Roads:
 - i. Residential dwellings are not allowed to front or have vehicular access onto newly developed Collector class roads.
 - ii. Residential dwellings are not allowed to front or have vehicular access onto existing Collector class roads, unless the owner installs a circular driveway or similar private access that allows vehicles to enter and exit the property without backing onto the Collector class road.
3. Yard Setback Requirement: Minimum yard setback requirements are as follows:
 - a. Main Building Setbacks:
 - i. Front Yard: The minimum front yard setback for the main building shall be 30 feet from the front property line.
 - ii. Side Yard: The minimum side yard setback for the main building shall be 7 feet from the side property line.
 - iii. Rear Yard: The minimum rear yard setback for the primary building shall be 20 feet from the rear property line.
 - b. Accessory Building Setbacks:
 - i. Front Yard: The minimum front yard setback for the accessory building shall be 30 feet from the front property line.
 - ii. Side Yard: The minimum side yard setback for accessory buildings shall be 7 feet.
 - iii. Rear Yard: The minimum rear yard setback for accessory buildings shall be 7 feet from the rear property line.
 - iv. From main building: All accessory buildings shall be set back a minimum of 10 feet from the primary building

- c. **Corner Lots:** For corner lots, two front yards, along the street frontages, and two side yards, along the property lines not fronting on streets, are required, with setbacks as set forth above. Corner lots shall be required to establish and maintain all clear view and sight-triangle requirements, as described and defined herein, for safety.
- 4. **Maximum Building Height:** The maximum building height allowed in the RR1 district shall be 40 feet, as measured from any point along an exterior wall touching or adjoining the uniform, natural, or cut grade. No primary or accessory structure or building shall exceed this height limitation.
- 5. **Maximum Building Coverage:** The maximum building coverage on a lot shall not exceed 20% of actual physical square footage of the building lot. This percentage represents the portion of the lot that can be covered by the footprint of the buildings.
- 6. **Retaining walls:** All retaining walls over 4 feet from footing shall require a building permit.

Section 5. Required Improvements for Development

- 1. Prior to commencing any development within the RR1 district, the following improvements are required to be constructed and installed, or sufficient financial completion and warranty assurances are provided pursuant to state law in amounts equal to 100% of the estimated construction cost and 10% of the estimated construction cost, respectively, in the form of a letter of credit or cash deposit, the terms of which must be reviewed and approved by the City Attorney. All improvements shall be constructed and installed according to AWWA, AASHTO, and other city, state, or industry standards:
 - a. **Street Grading:** The grading of streets within the development area must be completed.
 - b. **Street Base:** A suitable street base must be constructed to ensure proper road stability and durability.
 - c. **On-site Surface Drainage:** Adequate on-site surface drainage facilities must be provided to prevent water accumulation and ensure proper water runoff. All drainage shall be contained on-site, either within each lot or within an approved storm- and surface- water drainage system. The construction of retaining walls, the installation of impermeable surfaces, and the re-grading of property shall not cause water or runoff to drain onto adjacent property except as part of an approved storm- and surface-water drainage system.
 - d. **Water Facilities:** Proper water facilities, including connections to an adequate water supply, must be established to meet the needs of the development. Will-serve letters or other approvals of the entity providing such service must be provided.

- e. Wastewater Disposal: Adequate wastewater disposal systems must be in place to handle and treat sewage generated by the development. Will-serve letters or other approvals of the entity providing such service must be provided.
 - f. Street Monuments: Street monuments, as required by engineering standards, must be installed to mark important points or boundaries along the streets.
 - g. Cul-de-sacs: Roads ending in cul-de-sacs and other dead-end streets of 750 feet or less without a second point of access shall comply with all turn-around and design standards required by fire code. Roads ending in cul-de-sacs and other dead-end streets longer than 750 may be authorized by the City Council subject to the approval of the fire marshal related to the appropriate engineering and design of the street, turn-around areas, and other fire code considerations.
 - h. Turn-arounds: Turn-around areas shall be provided for any dead-end, stub, or other street that is not a cul-de-sac and does not currently connect to another street. The size, design, and location of any turn-around or cul-de-sacs shall be as required by the Fire Marshal. The turn-around or cul-de-sac shall be on property that is dedicated as a public right of way or subject to an easement for the maintenance of the turnaround area.
 - i. Utility Easement: Each new development shall provide, with each lot, a minimum 10-foot-wide utility easement along and adjacent to the front yard property lines of each lot, and a minimum 7-foot-wide utility easements along and adjacent to the side and rear yard property lines of each lot. Such easements shall be dedicated as municipal utility easements, owned and regulated by Lake Point, for the purposes of allowing public utilities, entities with which the City has executed a franchise agreement, and other public or private entities that provide utility or utility-like services to use, access, and construct required facilities in and under. In all such use, access, and construction, all persons and entities shall treat the easement as though it is a public utility easement.
- 2. Building permits are required prior to construction of any building, structure, or improvement regulated by the State Construction Codes.
 - 3. Parking:
 - a. Each single-family residence shall provide a minimum of two off-street parking areas.

Section 6. Permitted Uses:

The following uses are permitted within the RR1 District. Any use not expressly permitted herein shall be prohibited. All uses involving selling or providing goods or services in exchange for compensation to people outside of the residence or property shall comply with all regulations related to home-based businesses and home occupations.

- 1. Residential Agriculture, Forestry, and Keeping Animals Uses, as Follows:

- a. Accessory Buildings and Uses: Customarily incidental to permitted uses.
- b. Agricultural Industry or Business: Agricultural-related industry or business operations.
- c. Apiary: The keeping of bees is allowed.(beehives)
- d. Aviary:
- e. Farm Animals: The keeping of farm animals is permitted.
- f. Forestry (excluding forest industry): Forestry activities, such as tree cultivation and management.
- g. Fruit or Vegetable Stand.
- h. Household Pets, as limited by state law.
- i. Kennel: subject to noise, county health, and state animal cruelty laws.
- j. Personal Agriculture: Includes grazing and pasturing of animals
- k. Plant Materials Nursery/Greenhouse. Greenhouses are exempted from the maximum building coverage regulations under Section 4(5).
- l. Riding Academy or Riding Arena, Horse Show Barns or Facilities:
- m. Rooftop mounted solar arrays
- n. Horse Stables
- o. Storage, Placement, Keeping, Locating, Parking, Maintaining, and Keeping of Agricultural Equipment:
- p. Urban farming
- q. Uses authorized or described by the Utah Home Consumption and Homemade Food Act, Title 4, Chapter 5a, Utah Code Annotated, as amended, and cottage food operations, as defined by Utah Code § 4-5-501.

2. Commercial and Industrial Uses, as Follows:

- a. Accessory buildings and uses customarily incidental to permitted uses.
- b. Permitted Adult Day Care: Adult day care facilities are permitted, provided they have adequate off-street parking to accommodate the expected number of vehicles for employees and patients. Use shall comply with all laws and regulations under Utah State Law

- c. Childcare Residential: Allowed, provided they have adequate off-street parking and off-street pickup/drop-off areas for parents or guardians. One off-street parking space shall be provided for each employee who resides outside of the dwelling, in addition to the off-street parking required for the dwelling. Use shall comply with all laws and regulations under Utah State Law.
- d. Construction Equipment and Supply Trailer (Temporary): Temporary placement of construction equipment and supply trailers associated with an active building permit.
- e. Construction Field Office (Temporary): Temporary construction field offices associated with an active development with an active building permit.
- f. Home-based Businesses: An owner-occupied business within a residential property or dwelling with employees who reside outside of the dwelling are permitted, provided adequate off-street parking is available or provided on the property. One off-street parking space shall be provided for each employee who resides outside of the dwelling in addition to the off-street parking required for the dwelling.
- g. Home Occupations: Home occupations, which involve conducting a business or professional activity within an owner-occupied residential dwelling with the occupation carried on by residents of the home.
- h. Preschool-Residential: Allowed, provided they have adequate off-street parking and pickup/drop-off areas for parents or guardians. One off-street parking space shall be provided for each employee who resides outside of the dwelling, in addition to the off-street parking required for the dwelling. Use shall comply with all laws and regulations under Utah State Law.
- i. Parking of commercial, construction, or specialized equipment off-street for a homeowner's occupational or business or for use by a home-based business or home occupation.

3. Residential Dwellings and Uses, as follows:

- a. Accessory buildings and uses customarily incidental to permitted uses.
- b. Accessory Dwelling Units (ADU) (Internal): Internal ADU are allowed within the primary dwelling's footprint, subject to the following conditions.
 - i. Internal Accessory Dwelling Units (ADUs) must have separate house numbers from the primary dwelling.
 - ii. Only one internal ADU may be built per primary dwelling.
 - iii. The primary dwelling must be occupied by the owner of record at the time of construction of the internal ADU.

- iv. Internal ADUs shall provide at least one additional off-street parking space in addition to the parking spaces required for the primary dwelling, if the primary dwelling has three or fewer existing off-street parking spaces or if parking space within an attached garage is removed due to the creation of the ADU.
 - v. Construction of new internal ADUs must comply with current Utah State health, building, and fire codes.
- c. Accessory Dwelling Unit ADU (Detached): Detached accessory dwellings (ADUs) are permitted, provided the primary dwelling is occupied as the primary residence by the record owner at the inception of the ADU. The following conditions apply:
 - i. Only one detached ADU is allowed per lot or parcel.
 - ii. The parcel must be on a minimum lot or parcel of 0.50 acres of physical land.
 - iii. Adequate off-street parking must be provided, with a minimum of two additional parking spaces provided for the use of the detached ADU.
 - iv. Any parking spaces contained within a detached garage or carport must be replaced if a detached ADU is created within the detached garage or carport and is a habitable space, and if the creation of the detached ADU leaves the primary dwelling with three or fewer existing off-street parking spaces.
 - v. The detached ADU must be a permanent structure subordinate to the primary residence.
 - vi. The total of all structures on the parcel must not exceed the maximum building coverage allowed in the zoning district.
 - vii. The detached ADU cannot be converted to an autonomous dwelling and the detached ADU and the property cannot be partitioned or subdivided from or otherwise conveyed separately from the primary dwelling.
 - viii. Construction of new detached ADUs must comply with Utah State health, building, and fire codes.
 - ix. Record a notice for the detached ADU in the same form and with the same information as described in subsection 6 of Utah Code § 10-9a-530, replacing internal ADU with detached ADU, as appropriate.
- d. Single-family dwelling units.

- e. Temporary dwellings on a site in connection with construction, reconstruction, remodeling of a primary single-family residence on that site for which there is an active building permit or due to emergency circumstances. Occupancy of a temporary dwelling shall immediately cease upon issuance of a certificate of occupancy for the primary dwelling, and the temporary dwelling shall be removed from the site or an application shall be submitted to convert the temporary dwelling into a detached ADU, if permitted, within 60 days after issuance of a certificate of occupancy for the primary dwelling. A temporary dwelling shall not be used as a temporary dwelling for a period of more than 24 months, provided that the city may issue up to two 6-month extensions if sufficient progress has been made to the new dwelling within the initial 24 months. The temporary dwelling shall comply with all health, safety, and fire code requirements, shall comply with all utility connection requirements, and shall be subject to inspection for the same.
- 4. Bed and Breakfast: Bed and Breakfast establishments are permitted, provided the owner resides in the residence. Guest rooms shall not contain cooking facilities for meal preparation by guests. Meals are served only to residents and overnight guests. Bed and Breakfast establishments must meet State building, fire, and health codes, and shall obtain a city commercial business license.
 - 5. Dwellings or Residential Facilities for Elderly or Disabled Persons: Dwellings or residential facilities specifically designed for elderly or disabled persons are permitted within the RR1 district. Must meet minimum State Code.
 - 6. Pools: Permanent in- and below-ground swimming pools are permitted. All construction shall be pursuant to an approved building or construction permit and shall comply with Utah State law and construction codes. A permanent, below-ground swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height with a self-closing and self-locking gate or a safety cover meeting the requirements of Utah Construction Codes. Lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A "substantial fence" means any fence that will not allow nominal passage by any person except through an otherwise locked gate. The pool shall be set back from all property lines as with an accessory structure.
 - 7. Mounted Solar Arrays: Installation of solar arrays.
 - 8. Public and Quasi-Public Uses:
 - a. Accessory buildings and uses customarily incidental to permitted uses.
 - b. Cemetery:
 - c. Church:
 - d. Private Roads: Construction and maintenance of private roads within the RR1 district.

- e. Public-Owned Parks and Recreational Facilities: Development and operation of parks and recreational facilities owned by public entities.
9. Utilities and Utility Services:
- a. Accessory Building and uses customarily incidental to permitted uses.
 - b. Essential Service Facilities: Construction and operation of essential service facilities, such as water treatment plants or electrical substations.
10. Residential Power Generation for On-Site Residential Use: unless intended for emergency situations as depicted below.
- a. Solar
 - b. Wind Driven under 5.9 KVA

Section 7. Construction and Occupancy; Site Plans.

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. Prior to constructing any single-family dwelling or detached accessory dwelling unit, 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 and contain 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;
 - e. Property lines;
 - f. Topographic details for slopes greater than 10%;

- g. Retaining walls;
 - h. Hard surface areas;
 - i. Curb and gutter elevations as indicated in the subdivision documents;
 - j. Utilities lines, connections, and facilities, including on-site drainage, wells, meters, and sewer lateral or septic tank locations;
 - k. Street names;
 - l. Driveway and parking locations, and distance to nearest driveway if within 25 feet of another driveway;
 - m. Location of the nearest hydrant;
 - n. 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 of approval from the Tooele County Health Department.

Section 8. Off-site Improvements.

1. The applicant for a building permit shall provide curb, gutter and sidewalk or 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. A fee may be paid in lieu of improvements when conditions exist which make it unfeasible or impractical to install such curb, gutter, sidewalk, or swale, based on the reasonable estimated cost of the improvements. The city shall deposit such fees in the special account established to hold such fees, and shall use such fees to complete the improvements at a time and under circumstances when it is feasible and reasonable. Records relating to the identification of properties for which such fees have been collected, fee amounts collected for such properties, and money transfer requests shall be kept.

3. The planning commission may grant an exception to installation of the sidewalk in industrial areas where it determines that the sidewalk is not necessary to serve the public need and the elimination of the sidewalk does not jeopardize the public health, safety and welfare.
4. The planning commission may grant an exception to the installation of curb, gutter, sidewalk, and swales in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.

Section 9. Buildable and Non-Conforming Lots.

1. Every lot shall have such area, width and depth as is required by 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 created without being platted on an approved subdivision plat, is not a buildable lot for a residential dwelling or use. 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 herein, each dwelling unit shall be placed and maintained on a separate and buildable lot or parcel.
5. No building permit shall be issued for a lot or parcel that does not have frontage upon a publicly dedicated street or an approved private street.
6. No lot 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 10. Yards

1. All yards required by this ordinance and the setback requirements set forth herein 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. 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; and
- c. 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.

Section 11. Clear View and Sight Triangle Requirements

1. Clear Vision Area — Corner Lots. In all Zones except C-1, 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.
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. On street intersections where speed limits are greater than 35 mph any structure, building, fence, wall, hedge, or other visual obstruction over three feet in height must be outside the 40 foot triangle described in subsection (1) and either:
 - a. 10 feet off of the side property line, or
 - b. 18 feet from the edge of the closest 12-foot travel lane, or
 - c. As per AASHTO Policy on Geometric Design of Highway and Streets regarding safe sight distances.
4. 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.
5. There shall be no structure, building, fence, wall, hedge, or other physical obstruction within three (3) feet of any fire hydrant.
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 12. Supplemental Regulations: The following requirements apply to all development, construction on or within, and use of property within the RR1 district.

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 in the RR1 district except as provided herein. 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.
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.
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.
9. 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, leased, or otherwise conveyed away from such lot, parcel, or building.

10. 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. 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 by conditional use permit to the height limits in any zoning district:
 - 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.
12. No animal or fowl shall be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet to any street or to any dwelling on an adjacent parcel of land. No animal or fowl other than horses, cattle, sheep, poultry, swine or mink shall be kept on a parcel without first obtaining a conditional use permit to ensure the welfare, safety and mitigation of nuisances arising from maintaining such animals.

Section 13. This Ordinance shall be effective immediately upon its adoption and publication according to law.

Exhibit B
2023 06.07

“Our vision is to create a thriving and close-knit community in Lake Point City, preserving our rural lifestyle, upholding values of freedom and respect, and fostering prosperity through limited government and community involvement.”