

ORDINANCE NO. 2024-01

AN ORDINANCE ADOPTING SITE PLAN REVIEW STANDARDS AND PROCEDURES

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 adopt and establish rules and regulations regarding the development of, improvement of, and construction upon property for uses other than single-family and two-family residential uses, by establishing procedures and requirements for the review and approval of site plans and related utility, public, and private infrastructure;

WHEREAS, Lake Point desires to ensure that future development aligns with Lake Point's Vision and Core Values;

WHEREAS, the Lake Point Planning and Zoning Commission provided notice of and conducted a public hearing regarding the adoption of site plan review procedures and regulations, which hearing was held on January 8, 2024;

WHEREAS, the Planning and Zoning Commission issued a recommendation regarding site plan review procedures and regulations for the review of the Lake Point City Council on January 8, 2024;

WHEREAS, the City Council provided notice of and conducted a public meeting regarding the proposed site plan review procedures and regulations and the recommendation of the Planning and Zoning Commission related thereto, which meeting was held on January 10, 2024;

WHEREAS, after reviewing the recommendation of the Planning and Zoning Commission, and after having made such adjustments to the recommended site plan review procedures and 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 site plan review procedures and regulations as set forth herein.

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

Section 1. PURPOSE STATEMENT:

This section sets forth the procedures for all site plan applications and required submittals except single-family and two-family dwellings.

The intent of these site plan review regulations is to encourage adequate advance planning and review in order to assure the highest quality of development for the City, promote the safe and efficient use of land, contribute to an orderly and harmonious appearance in the City and to further enhance the value of property. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with the Lake Point Vision, core values, priorities, and guidelines stated in the various elements of the City's General Plan and this title and thus for the stability of property values and the general welfare of the community.

This process is intended to supplement the review and administrative procedures which are carried out under this title or other City ordinances and regulations. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties comply with all zoning and development standards in this title, are compatible with adjacent development, and that traffic, public safety issues, overcrowding, and environmental problems are minimized to the greatest extent possible.

More specifically, the purpose of the site plan review process is to provide for a review of:

- a. A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area;
- b. The quantity, quality, utility, size and type of a project's required open space area and proposed landscaping improvements;
- c. The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
- d. The quantity, quality, utility and type of a project's required community facilities; and
- e. The location and adequacy of a project's provision for drainage and utilities.

It is not the purpose of this Chapter to so rigidly control design so as to stifle creativity, nor individual expression, nor to cause substantial unnecessary expense; rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.

Section 2. AUTHORITY:

- a. Site plan approval shall be required pursuant to the provisions of this chapter for uses as specified in section 3 of this chapter before zoning certificates, building permits or certificates of occupancy may be issued.
- b. The City Council, with the recommendation of the Planning Commission, shall approve site plans upon consideration of all comments received from City departments and with the assistance of staff and the development review team (DRT).
- c. The City Council may waive the requirements for site plan review for additions to existing buildings, structures, or uses if such additions do not substantially impact adjacent properties or the addition is exempted from site plan review.

Section 3. SCOPE OF APPLICATION:

- a. Permitted Uses: Site plan review approval shall be required for approval of all permitted uses other than detached single-family and two-family/twin home dwellings as a condition to receiving a zoning certificate if that permitted use involves the following:
 - i. Development of a new principal building;

- ii. Change of land use type;
 - iii. An increased parking requirement;
 - iv. An increased landscaping requirement; or
 - v. Development activities identified in various sections of this title that are specifically subject to site plan review.
- b. Conditional Uses: Site Plan review shall be required for all conditional uses in all zoning districts.
- c. Accessory Uses: Site plan review for accessory uses shall be reviewed in conjunction with the review of principal buildings when such accessory structures are proposed to be approved at the same time as the principal building or when a new accessory use or structure is proposed, unless exempted herein.
- d. Exemptions:
 - i. A site plan under this Ordinance shall not be required for a change in use of a property, an addition to existing buildings or structures, or a new accessory use or structure that does not result in additional impacts to public and utility infrastructure or services, adjacent public and private properties, or other public or open spaces, and does not require modifications to existing site improvements or conditions. This shall not exempt any change in use from complying with applicable building, fire, health, and other safety codes.
 - ii. A site plan under this Ordinance shall not be required for single-family dwellings and accessory dwelling units. The construction, use, and occupancy of such dwellings and units shall comply with the use, building, and site plan requirements of the applicable zoning ordinance and to applicable building, fire, health, and other safety codes.
- e. In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.

Section 4. SCOPE OF MODIFICATIONS AUTHORIZED:

- a. The City Council and Planning Commission shall review site plans, and require revisions to proposed site plans, in order to determine and ensure compliance with the following elements and objectives, and all other requirements of this Ordinance and other Lake Point land use regulations:
- b. The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.

- i. Phased development may be authorized if requested by the applicant, and the applicant demonstrates that developing the site in phases results in a more logical development of the property, and the applicant provides a phasing plan that ensures that all necessary public infrastructure, landscaping, and other improvements are provided in connection with each completed phase.
 - ii. The entire site must be master planned at the time of site plan approval, even though it may be developed in stages or phases. Modifications or amendments to the master plan shall require prior approval through the same process as a new site plan.
 - iii. Phasing plans must provide for continuation of all public infrastructure and utilities in a logical sequence proportionate to the impact and needs of the site. Phasing plans shall not be approved if they propose to postpone public infrastructure or landscaping improvements solely for the convenience of the applicant. Each phase shall comply with all applicable standards and requirements of applicable land use regulations and other governing law.
 - iv. Applicants opting to phase the development shall propose a timeframe for completion of all phases. Generally, an applicant shall have one year from the date of approval of any previous site plan phase to present a subsequent phase, unless additional time is approved due to the unique circumstances of the site or proposed use.
- c. A site plan shall conform to all applicable standards as set forth in this Ordinance and all Lake Point ordinances. In addition, consideration shall also be given to the following:
 - i. Considerations relating to buildings and general site layout:
 - 1. Promoting compatibility with adjacent and nearby properties;
 - 2. Promoting the efficient provision of public services.
 - 3. The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan;
 - 4. The placement and screening of trash containers and disposal facilities;
 - 5. The location of surface, wall and roof-mounted equipment;
 - 6. Lighting: designing or directing of outdoor lighting devices or fixtures;
 - 7. The preservation and protection of view corridors, as identified in the City's General Plan or other adopted plans or ordinances, to the greatest extent practical;

8. The preservation and protection of natural features, amenities, as identified in the City's General Plan, to the greatest extent practical; and
 9. Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area or neighborhood.
- ii. Considerations relating to traffic safety to minimize dangerous traffic movements, traffic congestion, and optimize the efficient use of parking: A traffic study shall be completed by a licensed professional.
1. Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;
 2. Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and off-site transportation facilities;
 3. Arrangement and adequacy of off-street parking facilities to optimize interior circulation, parking stalls and travel aisles, prevent traffic congestion and ensure compliance with the provision of City ordinances regarding the same;
 4. Locating, arrangement, and dimensions of truck loading and unloading spaces, with preference given to shielding loading and unloading spaces from public view;
 5. Vehicular and pedestrian circulation patterns within the boundaries of the development;
 6. Surfacing and lighting of off-street parking facilities;
 7. Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
- iii. Considerations relating to landscaping:
1. Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, refuse collection, or other unsightly development;

2. Planning of xeriscape to maximize water and energy conservation, provide ground cover or other surfaces to prevent dust and erosion; rock is recommended over bark;
 3. Promoting the use of native plants and plant materials compatible with the climate of the region and the micro-climate conditions of the site;
 4. Feasibility and sustainability of maintaining plant material for long-term health and continued growth; and
 5. Ensuring that the arrangement of required landscaping produces the optimal visual effect;
 6. Avoiding unnecessary destruction of existing healthy, beneficial trees.
- iv. Considerations relating to drainage and irrigation:
1. The effect of the site development on the adequacy of the storm and surface water drainage;
 2. The design of drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage;
 3. The requirements or conditions of approval of any owner of a ditch or other water conveyance facility related to any additional drainage to the facility or work on or within the facility;
 4. The need for piping of irrigation ditches bordering or within the site; and
 5. Minimizing alterations to existing topography to prevent soil erosion and excessive runoff.
- v. Consideration related to signs:
1. Ensuring that the location, size, orientation, and lighting of signage do not impair the visibility of or distract motorists.
 2. Ensuring that the location, size, orientation, and lighting of signage minimize obstructions and hazards to pedestrians.
- vi. The proposed site development conforms to all applicable requirements of the land use ordinance and other ordinances and regulations, and is consistent with priorities, values, and guidelines stated in the various elements of the City's General Plan.
- vii. Other considerations including, but not limited to:

1. Buffering – to provide transition between different uses and different zones;
 2. Adequate water pressure and fire flow must be provided on the site as required by the applicable fire code;
 3. Open space areas and access;
 4. Preservation or creation of historical and cultural assets.
- viii. Lighting: designing or directing of outdoor lighting devices or fixtures in a manner to meet the requirements of the general plan; other related city ordinances or guidelines as updated from time to time.

Section 5. DEVELOPMENT REVIEW TEAM (DRT):

- a. The City shall be assisted in conducting site plan review by the development review team (DRT).
- b. Membership: The development review team shall consist of a designated representative from each of the city departments, department divisions, utility agencies, or other professionals as necessary, including, but not limited to, the following:
 - i. City Engineer;
 - ii. City Building Official;
 - iii. Public Safety: Fire, Police departments;
 - iv. Utility providers;
 - v. Other technical experts as may be required by the project;
 - vi. Representatives of other affected governmental entities or agencies;
 - vii. Representatives of other providers of services to the site.
- c. Coordination Of Review: The Planning Secretary or such other person designated by the City Council shall serve as the administrator of the development review team and shall coordinate its review of proposals.

Section 6. APPLICATION REQUIREMENTS:

- a. Final Construction Drawings containing, at a minimum, all items specified within this Site Plan chapter are hereby required and shall be prepared and stamped by licensed or certified professionals including architects, landscape architects, land planners, engineers, surveyors, transportation engineers, or other professionals

deemed necessary by Planning and Zoning. The City may require plans prepared by and or all of the above-noted professionals.

- b. Each application for site plan review shall include one(1) full-size plan set, size 22" x 34" drawings; one (1) plan set, size 11" x 17" drawings; and one (1) PDF electronic copy. Plans shall be submitted with every application for site plan approval and shall contain the following information:
 - i. **Plan Set Cover Sheet.** High level overview of the project showing the entire site plan including:
 1. A title block showing names, addresses, telephone numbers of the:
 1. applicant including their interest in the property;
 2. owner if different than the applicant;
 3. the architect, landscape architect, planner, and engineer, on the project;
 2. The street address, tax parcel number and legal description of the subject property;
 3. The zoning classification, zoning district boundaries, and a present use of the subject property;
 4. The proposed name of the project;
 5. The date of preparation of the plans and drawings;
 6. A general vicinity map showing the approximate location of the subject parcel shall be inset on this sheet with a North arrow; and
 7. A signature panel for Planning Secretary approval.
 - ii. **Ownership Affidavit.** A statement of ownership and control of the subject property, consent of application if the applicant is a person or entity other than the owner, and a statement describing the nature of the intended use.
 - iii. **Survey.** A survey prepared and stamped by a Utah registered land surveyor listing metes and bounds legal description and the gross acreage within the subject parcel.
 - iv. **Detailed Boundary Survey** shall contain the following information:
 1. North arrow and legend;

2. the location dimension and character of construction of existing and proposed streets, alleys, and abutting streets including acceleration and deceleration lanes, and dimensions thereof, if required;
3. the boundaries of subject property, all existing property and parcel/lot lines, lot size and dimensions;
4. setbacks and overhangs for setbacks;
5. the location of all existing and proposed buildings and structures on the site, accessory and principal, including overhangs, porches, stairwells, and balconies, showing:
 1. the building height, number of stories, if applicable,
 2. distance from all property lines and other existing or proposed structures,
 3. occupancy, dwelling type, or use,
 4. any provisions to screen roof-based mechanical equipment.
6. access points, provisions for vehicular and pedestrian circulation on and off-site, interconnection to adjacent sites, dimensions of such access and circulation, and pedestrian paths within 200 feet of the property boundary;
7. the location of off-street parking, including the amount and type of parking spaces, driveways, loading areas or facilities, and hard-surfaced areas.
8. location, type, and size of all business and on-site circulation and road safety signage
9. the location and dimensions of existing and proposed recreation areas, open spaces, outdoor display areas, and other required amenities and improvements;
10. location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures, including enclosures or screening of such;
11. screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements;
12. type of construction of all structures, presence or absence of fire sprinkling, and location of existing and proposed fire hydrants;
13. Established Grade of building area.

- v. **Elevations** Topographical survey showing the elevation of streets, alleys, buildings, structures, watercourses and their names. The topography shall be shown by adequate spot elevations. The finished grade for the entire site shall be shown as well as the first floor elevation of buildings.
1. Significant topographic or physical features of the site, including existing trees.
 2. The location and elevations of existing and proposed curb, gutter, sidewalk, and curb cuts, if required, or trails, walkways. If the property abuts a State owned highway, the applicant must obtain approval from the Utah Department of transportation (UDOT) for the location of curb, gutter, and sidewalk. UDOT shall also approve the location and number of curb entrances. Applicant shall comply with UDOT requirements for access and highway improvements
 3. Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill including access, shall be indicated.
- vi. **Context Plan** A context plan shall include the existing features within 200 feet of the proposed Site Plan property line. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths, and property names and shall include:
1. North arrow, scale, legend, and date indicating;
 2. the zoning classifications and current uses of adjacent properties, (exclusive of intervening streets and alleys);
 3. the location of existing structures on adjoining properties
- vii. **Site Analysis.** A site analysis is a plan view drawing demonstrating land constraints and existing or proposed features. Features may consist of the presence of boulders, existing man-made features, significant trees, canals or ditches, access points or public rights-of-way, and existing conditions on the property or adjoining the project within 200 feet of the property line.
1. Existing and proposed easements and dedications,
 2. adjacent property owners and holding strips, and all
 3. all ditches, irrigation canals, ponds, waterways, wetlands, and other water conveyance facilities, and
 4. other existing physical features.
- viii. **Detailed Utilities Plan.** A plan showing the location, size and type of all existing and proposed sanitary and storm systems, water, gas, telephone, electric and other utility lines, culverts and other underground structures in

or affecting the project, including existing and proposed facilities and easements for these facilities, include utility mains, lines, meters, boxes, and other facilities that will service the project (including location of nearest fire hydrants) consistent with the design standards approved by the City or the design standards and requirements of the applicable provider.

- ix. **Detailed Drainage Plan.** A plan showing stormwater and other drainage facilities and swales. If the applicant proposes using existing canals, irrigation ditches, or other water conveyance facilities for drainage or flood control, or proposes to realign, bury, or otherwise modify a water conveyance facility, the applicant shall obtain the owner's written approval in accordance with Utah State code. The drainage plan shall also include:
 - 1. The proposed nature and manner of grading of the site, including proposed treatment of slopes in excess of ten percent (10%) to prevent soil erosion and excessive runoff.
 - 2. Adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in ground water levels, increased runoff and potential for flooding, drainage designed so that runoff shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected.
- x. **Final Traffic Report.** is required unless waived by the DRT or City's Engineer. Said report shall comply with standards outlined in the City's Master Transportation Plan and shall include, but not be limited to the following:
 - 1. an analysis of the average daily trips generated by the proposed project;
 - 2. an analysis of the distribution of trips on City street systems;
 - 3. a description of the type of traffic generated; and
 - 4. recommendations on what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents acceptable to the City.
- xi. **Geotechnical Study** is required unless waived by the DRT after receiving the recommendation of the City's Engineer.
- xii. **Data Table:** including:
 - 1. total project area: a tabulation of the total number of acres in the project and the percentage and acreage thereof proposed to be allocated to:

1. buildable land;
 2. off-street parking;
 3. open space, parks, landscaping;
 4. sensitive lands (include percentage sensitive lands comprise of open space);
 5. other reservations.
2. Total number of lots, dwellings, and buildings
 3. square footage devoted to various land uses, ground coverage by structure, of proposed building footprints and, if multiple stories, square footage by floor, and other non-pervious surfaces.
 4. number of off-street parking spaces required and provided (e.g. number of garage parking spaces; number of surface parking spaces)
 5. area to be dedicated as right-of-way (public and private)
 6. a tabulation of the total number of dwelling units in the project and overall project density in dwelling units per gross acre (for residential projects) (sensitive lands must be subtracted from base acreage)
- xiii. **Landscaping Plan.** A detailed landscaping plan, prepared and stamped by a licensed landscape architect, that shows the following information in sufficient detail for review of screening and aesthetic qualities:
1. the location of existing and proposed landscaping including the location, spacing, types, and sizes of plants, trees and other landscaping elements;
 2. the location of existing and proposed fencing and retaining walls, over 4 feet, as measured from any point along the retaining wall touching or adjoining the uniform, natural, or cut grade; include the height, type, and material, of fences and walls;
 3. the proposed location, type, and material of walkways, pathways, and trails including connections to adjacent properties;
 4. the irrigation sprinkler system designs indicating the location and service size of water connections;
 5. compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate zone.

- xiv. **Lighting Plan.** A lighting plan indicating the illumination of all outside areas and immediately adjoining streets showing the location, candle power, and type of lighting proposed, and in conformance with the Lake Point Land Use Ordinance. A photometric plan is also required.
- xv. **Signage Plan.** An overall signage plan shall be approved during the Site Plan approval process. All information to be provided for the sign approval shall be submitted concurrent with the Site Plan application and should include:
 - 1. the location, character, size, height, and orientation of proposed signs, monuments, and other permanent installations;
 - 2. elevations of buildings showing signs to be placed on exterior walls.
- xvi. The Land Use Authority, with the recommendation of the DRT and Planning Commission, may waive any of the above listed requirements upon making a determination that such requirements are unnecessary due to the scope and nature of the proposed development.

Section 7. STANDARDS FOR SITE PLAN REVIEW: In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for site plan review:

- a. **Lighting:** All developments shall provide adequate lighting so as to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded, and shall not shine onto adjacent properties or impact the night sky in violation of the Lake Point night sky ordinance.
- b. **Stormwater Drainage:** Provisions for storm surface drainage shall be in accordance with the design standards of the City indicating location, size, types and grades of sewers, drainage structures, ditches, and connection to existing drainage system. Disposition of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way.
- c. **Utilities:** Provision of hookups to public utilities shall be the responsibility of the applicant and connections shall be installed in accordance with the standards of the City and individual Utilities. All connections shall be shown on the site plan.
- d. **Public Safety:** The Tooele County Health Department shall be invited to review all site plans for treatment of bulk trash disposal. The Police Department and the Fire Department shall review all site plans to determine adequacy of access and other aspects of public safety.
- e. **Special Approval and General Plan Conformity:** The Planning Commission shall review site plans for all applications subject to a conditional use permit, development agreement, planned development, or other special approval or zoning approval, for

compliance with the conditions, terms, and requirements of the permit, license, or other special approval, and shall review all site plans for conformity with the objectives and policies of the city's adopted general and master plans.

Section 8. PROCEDURES FOR SITE PLAN REVIEW:

- a. **Pre-Application Conference:** Before filing an application for approval of a site plan, landscape plan and other applicable plans, the applicant is encouraged to confer with the Planning Secretary, and if necessary, the DRT regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the Planning Secretary, the DRT or other City departments during such conference shall be binding upon the City with respect to an application subsequently submitted.
- b. **Fees:** Every site plan application shall be accompanied by the fee shown on the Lake Point fee schedule.
- c. **Submission Of Final Site Plan, Landscape Plan And Other Plans:** A complete application pursuant to section 6 of this Chapter shall be submitted to the Planning Secretary along with payment of required fees.
- d. **Review And Approval Of Final Site Plan, Landscape Plan And Other Plans:**
 - i. **Determination of Complete Application:** The Planning Secretary determines the completeness of a site plan application and receipt of required fees, the Planning Secretary shall transmit the application to the DRT for review and preparation of detailed staff reports evaluating the application. The Planning Secretary will coordinate between members of the DRT. All staff reports will be provided to the applicant.
 1. Any comments or recommendations made by the Planning Secretary or DRT shall not be binding on the City nor constitute final approval. Comments and recommendations are advisory only.
 2. In the event of a disagreement regarding the completeness of a site plan application for reasons other than the payment of fees, the application may request in writing that the applicant proceed to review by Planning Commission
 - ii. **DRT Review:** The application shall be reviewed and processed through the development review team (DRT) in coordination with the appropriate city departments. As part of any DRT Review, the City may submit or may require the applicant to submit, the proposed site plan to affected entities for review, comment, and approval if the proposed site affects or requires connection to or extension of the affected entities' infrastructure or services, including utility companies (water, secondary water, sewer, telecommunications, power, gas, waste collection) and UDOT. This process will result in a staff report stating the application meets the relevant

requirements, and listing any additional recommendations, concerns, or need for mitigation elements, being provided to the Planning Commission in conjunction with the application.

- iii. **Review By Planning and Zoning In Public Meeting:** The Planning Commission shall review the proposed site plan application, including staff reports or other recommendations prepared by the DRT, in a public meeting and shall recommend approval, approval with modifications, or denial of the proposed site plan to the Land Use Authority. The Planning Commission may also table the matter for further information or future considerations or action.
- iv. **City Council Adoption in Public Meeting:** The City Council shall review the proposed site plan application, the recommendations of the Planning Commission, and staff reports prepared by the DRT in a public meeting. The City Council may either approve, approve with modifications, or reject the proposed site plan application, based on the compliance of the proposed site plan with all applicable land use regulations. The City Council may also table the matter for further information or future consideration or action. If the plan is approved, the City Council shall certify approval on the site plan and state the conditions of such approval, if any. If the plan is disapproved, the City Council shall indicate reasons in writing to the applicant.
- v. **Appeal Of Decision:** Any person adversely affected by a final decision of the Land Use Authority regarding approval or denial of a site plan application may appeal to the District Court in accordance with the provisions of Utah State Code 10-9a-801 (as amended).
- vi. **Certification By Land Use Authority:** The decisions of the Land Use Authority approving the application shall be noted on all copies of the site plan, landscape plan and other applicable plans to be retained in the record, including any changes or conditions required as part of the site plan approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the Planning Secretary or other affected agencies of the city.
- vii. **Effect of Approval:** Every site for which a site plan has been approved shall conform to such plan.
 - 1. Building and occupancy permits shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.

2. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
 3. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.
- viii. **Building Permits:** Building permits shall be issued in accordance with approved plans. A copy of the approved site plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved site plans.
- ix. **Amendments Or Modifications To Approved Site Plans:** Amendments or modifications to approved site plans and/or landscape plans must be submitted to the Land Use Authority. Amendments to an approved site plan that affect less than twenty-five percent (25%) of the approved site plan, and do not require additional approval from affected entities, may be reviewed by the Land Use Authority without prior review or recommendation from City Staff, DRT, or Planning Commission, unless required by the Land Use Authority or requested by the applicant. Other amendments or modifications shall be submitted in accordance with the procedures and requirements of this chapter as if it were a new site plan and shall be distributed to the appropriate departments for review. The Land Use Authority, with the recommendation of the DRT and Planning Commission, may waive this requirement if the Land Use Authority determines that such modification of the original site plan and/or landscape plan has no significant impact upon the original proposal and still remains in conformance with zoning standards and regulations.
- x. **Expiration Of Approval:** Failure to obtain a building permit or to complete all required on- and off-site improvements within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the city shall require that a new site plan application be submitted and approval obtained pursuant to this section. A site plan shall not expire if a building permit or other construction permit has been issued and remains active. A written request for an extension of time may be submitted to the Planning Secretary prior to the expiration of the site plan for an extension of up to six (6) months. The Land Use Authority may grant such an extension where good cause can be shown when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact.
- xi. **Stop Work Order:** A stop work order may be put on the project or any building or other construction thereon if any improvements required are not consistent with the approved site plan, landscape plan or other applicable plans.

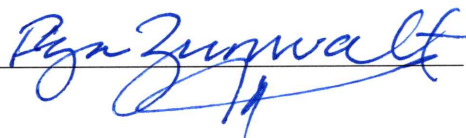
- xii. **Revocation:** A site plan approval may be revoked for violation of this Ordinance or other applicable ordinances upon the recommendation of the Planning Commission and final decision of the Land Use Authority. The applicant or property owner shall be given at least seven days' written notice of the first public meeting before both the Planning Commission and the Land Use Authority, and the applicant or property owner shall be entitled to present facts, law, evidence, and argument as to why the site plan should not be revoked. Notice of revocation and the reasons therefore shall be given to the applicant or property owner in writing, and may be appealed in the same manner as the approval of a site plan.
- xiii. **Improvement and Warranty Assurances:** The applicant shall provide a guarantee of installation and construction of all on-site and off-site improvements required by this title, or as required by the Land Use Authority, prior to issuance of any building permits or the commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred twenty percent (120%) of the estimated cost of all improvements, 10% of which remains as an improvement warranty assurance. The guarantee shall assure the installation of improvements within one (1) year of the date of the site plan approval, subject to extension as provided herein. Upon timely and proper completion of the improvements, the applicant may request an inspection of the improvements and release of the guarantee. 10% of the guarantee shall remain for a period of one year after acceptance of the improvements as a warranty pertaining to the installed improvements. No assurance shall be permitted to expire without city approval. It shall be the responsibility of the developer to notify the City when the improvements are complete and ready for inspection and to request release of assurances.
- xiv. **Warranty for Other Improvements:** When any improvement is to be accepted for dedication, maintenance or operation by the city, and such improvement has not been assured and warrantied in accordance with Section 8(D)(13), the applicant shall be required to provide financial security (acceptable to the city attorney) in the amount of ten percent (10%) of the total construction costs of the project to cover the costs of any defects which may occur in such improvements within one (1) year after the date of acceptance by the city.

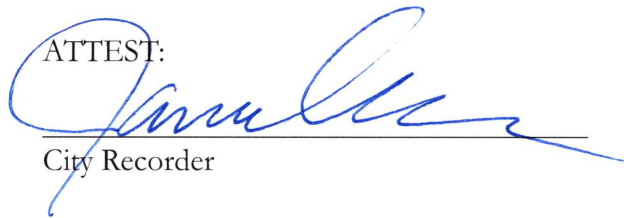
Section 9. This Ordinance shall take effect immediately upon its adoption and publication according to law.

PASSED, APPROVED, AND ADOPTED on the 10 day of January, 2024

Lake Point

By
Chair



ATTEST:

City Recorder



Voting:

Daniel Crawford
Jonathan Garrard
Kirk Pearson
Kathleen VonHatten
Ryan Zumwalt

Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐