



Municipal Code
Publish Date: 01/16/2024

Preface



Lake Point Municipal Code

This municipal Code shall be cited as the Lake Point Municipal Code.

This municipal code maintains a structure by subject matter using a decimal numbering system identifying the title, chapter, and section (for example: 1.01.010). The first number in the sequence (1.1.1) designates the **title** level. The second series of numbers (1.1.1) designates the **chapter** level. The last series (1.1.1) designates the **section** level. If a fourth series exists comprising of letters or numbers beyond the section level, it designates a **subsection** level. This complete set of numbers is designed to aid in searching the municipal code and to assist in subsequent codification as new ordinances are added to the municipal code. Vacant titles, chapters, or sections may be designed for future use and may be marked "reserved" to ease internal expansion.

To outline, give structure, and more granularly reference the legislation herein, the following list order (or pattern of ascending alphanumeric characters) is used: **1, a, i**. Drafting legislation with this list order better reconciles the content in local software and hard copies, with the content in this online code.

The legislative history beneath a legislation's content identifies the specific legal sources, and may be provided to substantiate the online code.

The municipal code is supplemented from time to time with amendments and additions made by the City. The specific legal sources that comprise this online municipal code have been adapted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online municipal code and the official hard copy, the official hard copy governs.

Note: The online municipal code may not reflect all or the most current version of legislation adopted by the City Council that has yet to be updated online. In the event of conflict between the online municipal code and a written ordinance, the written ordinance typically governs. Also, the municipal code may not reflect rules or other regulations promulgated under the authority of the code, including technical specifications.

1 General Provisions

1.1 Utah State Law Generally

1.1.1 Adoption

1. Lake Point hereby adopts all other generally applicable Utah State law requirements and regulations not inconsistent with any ordinance or other enactment of Lake Point.
2. This ordinance, and the codes and standards adopted herein, shall remain in effect until Lake Point City can adopt city-specific codes and standards.

HISTORY:

Ord. No. [2022-02](#), 12/7/2022

1.2 Government Records

1.2.1 Purpose And Intent

In enacting this act, the City recognizes the fundamental right of privacy in relation to personal data gathered by the City and the public's right of access to information regarding the conducting of the public's business. Therefor, it is the intent of the City to:

1. Establish fair information practices to prevent abuse of personal information by the City while protecting the public's right of easy and reasonable access to unrestricted public records; and
2. Provide guidelines of openness to government information and privacy of personal information consistent with nationwide standards;
3. Establish and maintain an active, continuing program for the economical and efficient management of the City's records as provided in this chapter.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.2 Definitions

1. "Act" means the Utah Government Records Access and Management Act, Title 63G, Chapter 2, of the Utah Code, as amended.
2. "Records Officer" means the City Recorder unless another individual is appointed by the council chair to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records. Unless otherwise specified, the records officer, or their designee, shall carry out the City's obligations under this chapter and the Act.
3. Other terms used in the chapter shall have the meaning set forth in the Act unless a different meaning is specified or required by the context of the term.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.3 Right Of Public Access

Every person has the right to inspect a public record free of charge and the right to take a copy of a public record during normal working hours, subject to the records request process and the payment of costs and fees set forth in this chapter and the Act.

1. All records are public unless otherwise expressly provided by this chapter or state or federal law or regulation.
2. The following records are not public:
 - a. Records that are appropriately classified private, controlled, or protected as allowed and defined by the Act; and
 - b. Records to which access is restrict pursuant to the Act, court rule, another state statue, federal statute or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.

3. In determining a person's right to access a record, including the right to access a private, controlled, protected, or otherwise non-public or restricted record, the City and the requestor shall follow the requirements and regulations set forth in this chapter and the Act.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.4 Fees

The City shall charge a fee to cover the City's actual cost of responding to a records request, in accordance with the following requirements:

1. The fee shall cover the city's actual cost for:
 - a. Compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
 - b. Staff time for search, retrieval, and other direct administrative costs for complying with a request; and
 - c. For a record that is the result of computer output other than word processing, the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users.
2. An hourly charge for the cost of staff time in responding to a request shall not exceed the salary of the lowest paid employee who, in the discretion of the records officer, has the necessary skill and training to perform the request.
3. Costs and fees other than the cost of staff time related to responding to a record request and to providing a record shall be as set by resolution by the City Council.
4. The fee shall not include the following:
 - a. The first fifteen (15) minutes of staff time spent responding to a records request, unless the Act allows for such time to be counted;
 - b. Costs for reviewing a record to determine whether the record is subject to disclosure; or
 - c. Costs for inspecting a record.
5. In determining the fee to be charged, the City may consider multiple requests by the same requestor within a short period of time as a single request if it appears that the requester is submitting multiple requests primarily to avoid the fees that would be charged in the requests were handled as a single request.
6. The City may require payment of past fees and future estimated fees before beginning to process a request if fees are expected to exceed fifty dollars (\$50.00) or the requester has not paid fees from previous requests. The City may also charge interest on any unpaid obligation, as set by resolution. Any costs above prepayment will be due prior to requester receiving the record(s). Any prepaid amount in excess of fees due shall be returned to the requester.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.5 Fee Waivers

1. The City may grant a waiver of fees to fulfill a record request when it determines that:
 - a. Releasing the record primarily benefits the public rather than a person;
 - b. The individual requesting the record is the subject of the record; or
 - c. The requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
2. Except in extraordinary cases, as determined by the records officer, a fee waiver shall operate to waive only the cost of the first two hours of staff time and the other direct costs to the City involved in responding to a request. Staff time beyond two hours that is required to respond to a request shall be charged as set forth herein regardless of the fee waiver.
3. The burden of demonstrating the need for a fee waiver shall be on the requester, and a person who believes that there has been an unreasonable denial of a fee waiver by the City may appeal the waiver denial in the same manner as denial of access to a record.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.6 Procedures For Access

1. The process and timeframes for a person to request access to records and for the City to respond to such requests shall be as set forth in the Act, as modified or added by this ordinance.
2. A person making a request for a record shall furnish the records officer with a written request containing their name, mailing address, email, daytime telephone number, and a description of the records requested that identifies the records with reasonable specificity.
3. If a person claims the right to access a private, controlled, protected, other otherwise non-public record due to the person's identity or status, the person shall be required to provide information and documentation establishing the person's identity or status. Such information may include copies or proof of governmental-issued identification, powers of attorney, incumbency certificates, and other appropriate documentation.
4. A person making a request for a record shall indicate whether they wish to receive records and other information and notices related to their request by email, mail, or some other method.
5. In response to a request, the City is not required to:
 - a. Create a record;
 - b. Compile, format, manipulate, package, summarize, or tailor information;
 - c. Provide a record in a particular format, medium, or program not currently maintained by the governmental entity;
 - d. Fulfill a person's records request if the request unreasonably duplicates prior records requests from that person; or
 - e. Fill a person's records request if:
 - i. The record requested is publicly accessible online or included in a public publication or product produced by the City; and
 - ii. The City specifies to the requester where the record is accessible online or provides the requester with the public publication or product and specifies where the record can be found in the public publication or product.
 - f. If the City chooses to create a record, compile, format, manipulate, package, summarize, or tailor information, or provide a record in a particular format, medium, or program as requested by a person, the requester shall pay all of the City's actual costs involved with such work and shall not be entitled to any waiver of fees.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.7 Public Benefit

In determining whether release of a record primarily benefits the public rather than a person for purposes of this chapter and the Act, the City may consider:

1. Whether the records relate to issues that impact all City residents, such as utilities or taxes;
2. Whether the issue has been published or report in the news in the previous six months;
3. Whether the issue has been on a public meeting agenda of a Lake Point public body in the previous six months; and
4. Whether the requester is a member of or affiliated with a media or news outlet or requests a record to obtain information for a story or report for public action or broadcast to the general public.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.8 Denials

1. If the city denies the records request in whole or part, including if the City denies the request for a fee waiver, the City shall provide a written notice of denial to the requester either in person or by sending the notice to the requester's physical or electronic address, as specified in the request, containing the information and descriptions related to the denial, the records or portions thereof to which access was denied, the legal basis for the denial, the appeals process and deadlines, and other matters required by the Act.
2. Unless otherwise required by a court or agency of competent jurisdiction, the City may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.9 Records Classification

1. The City shall:
 - a. Evaluate all record series that it uses or creates;
 - b. Designate those record series as provided by this ordinance and the Act;
 - c. Report the designation of its record series to the state archives.
2. The City may classify a particular record, record series, or information within a record at any time, but is not required to classify a particular record, record series or information until access to the record is requested.
3. The City may redesignate a record series or reclassify a record or record series, or information within a record at any time.
4. If more than one provision of this chapter of the Act could govern the classification of a record, the City shall classify the record by considering the nature of the interests intended to be protected and the specificity of the competing provisions.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.10 Records Retention

The City Council shall establish a retention schedule for each record series. The City shall report all adopted retention schedules to the state archives.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.11 Segregation Of Records

Notwithstanding any other provision in this chapter, if the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect under this chapter, and, if the information the requester is entitled to inspect is intelligible, the City:

1. Shall allow access to information in the record that the requester is entitled to inspect under this chapter; and
2. May deny access to information in the record by segregation, editing, redaction, or other appropriate means if the information is exempt from disclosure to the requester, issuing a notice of denial for the withheld or segregated information.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.12 Appeal Process

1. Any person aggrieved by the City's access or fee waiver determination under this chapter, including a person not a party to the City's proceeding who is an interested party affected by an access determination, may appeal the determination to the council chair by filing a written notice of appeal with the records officer within thirty (30) days after the City sends the notice of denial or the request is considered or deemed to be denied.
2. If the City claims extraordinary circumstances and specifies the date when the records will be available, and if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the City's claim of extraordinary circumstances or date for compliance within thirty (30) days after notification of a claim of extraordinary circumstances by the City, despite the lack of a "determination" or its equivalent.
3. A person aggrieved by the City's classification or designation determination under this chapter, but who is not requesting access to the records, may appeal that determination using the procedures provided in this section. If a nonrequester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within thirty (30) days after receiving the notice of appeal, instead of the timeframes set forth below.
4. The notice of appeal shall contain the following information:
 - a. The petitioner's name, mailing address and daytime telephone number;
 - b. The relief sought; and
 - c. A short statement of facts, reasons, and legal authority in support of the appeal.

HISTORY:ORD. NO. [2022-05](#), 12/21/2022

1.2.13 Appeals Involving Business Confidentiality

If the appeal involves a record that is the subject of a business confidentiality claim under the Act, the records officer shall:

1. Send notice of the requester's appeal to the business confidentiality claimant within three (3) business days after receiving notice, except that if notice under this section must be given to more than thirty-five (35) persons, it shall be given as soon as reasonably possible;
2. Send notice of the business confidentiality claim and the schedule for the City Recorder's determination to the requester within three (3) business days after receiving notice of the requester's appeal.
3. The claimant shall have seven (7) business days after notice is sent by the records officer to submit further support for the claim of business confidentiality.

HISTORY:ORD. NO. [2022-05](#), 12/21/2022

1.2.14 Time For Determination Of Appeal

1. The council chair shall make a determination on an appeal within the following period of time:
 - a. Within ten (10) business days after the council chair's receipt of the notice of appeal;
 - b. Within five (5) business days after the council chair's receipt of the notice of appeal, if the requester or interested party demonstrates that an expedited decision benefits the public rather than the requester or interested party; or
 - c. Within twelve (12) business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality.
2. If the council chair fails to make a determination within the time specified in subsection (a)(i) of this section, the failure shall be considered the equivalent of an order denying the appeal and affirming the access or fee waiver determination.
3. The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section.

HISTORY:ORD. NO. [2022-05](#), 12/21/2022

1.2.15 Determination On Appeal

1. In making a determination on an appeal, the council chair:
 - a. May, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private or protected under the Act if the interests favoring access outweigh the interest favoring restriction of access, as set forth by the Act; and
 - b. Shall include a brief statement of reasons for the determination, including a brief description of the record or portions of the record to which access was ordered or denied, if not already provided, and citations to this chapter, the Act, or other orders, rules, or regulations that govern disclosure of the record that support the determination, provided that such information does not disclose private, controlled, protected, or otherwise non-public or restricted information.
2. The City shall send written notice of the determination on the appeal to all participants. If the council chair affirms the denial in whole or in part, the notice shall include:
 - a. A statement that the requester has the right to appeal the denial to the State Records Committee or district court; as set forth by the Act;
 - b. The time limits for filing an appeal; and
 - c. The name and business address of the executive secretary of the State Records Committee.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.16 Request To Amend A Record

1. Subject to subsection 7 of this section, an individual may contest the accuracy of or completeness of any public or non-public record concerning them by requesting that the City amend the record. The request shall contain the following information:
 - a. The requester's name, mailing address, and daytime telephone number; and
 - b. A brief statement explaining why the City should amend the record.
2. The City shall issue an order either approving or denying the request to amend no later than thirty (30) days after receipt of the request.
3. If the City approves the request, it shall correct all of its records that contain the same incorrect information as soon as practical. The City may not disclose the record until it has amended it.
4. If the City denies the request it shall:
 - a. Inform the requester in writing; and
 - b. Provide a brief statement giving its reasons for denying the request.
5. If the City denies a request to amend a record, and the requester does not appeal the denial or the appeal is denied, the requester may submit a written statement contesting the information in the record. The City shall:
 - a. File the requester's statement with the disputed record if the record is in a form such that the statement can accompany the record or make the statement accessible if the record is not in a form such that the statement can accompany the record; and
 - b. Disclose the requester's statement along with the information in the record whenever the City disclosed the disputed information.
6. The requester may appeal the denial of the request to amend a record according to the process for appeals of access and fee waiver determinations set forth in this chapter.
7. This section does not apply to records relating to title to real or personal property, contracts, medical records, judicial case files, or any other records that the City determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.
8. This section does not affect or alter the right of access to non-public records.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.2.17 Violation; Penalty

1. The misuse of, wrongful disclosure of, wrongful receipt of, or wrongful refusal to disclose records in violation of this chapter and the Act shall be a Class B misdemeanor, as set forth in section 63G-2-801 of the Act, as amended, which section is expressly adopted by the City by reference.
2. Enforcement of this chapter, including criminal penalties, civil remedies, and defenses to charges of wrongful conduct shall be as set forth in the Act.
3. A City employee who intentionally violates any portion of this chapter or the Act may, in addition to any other penalty, be subject to disciplinary action, up to and including termination, according to terms of the Act and the Utah Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Part 13 of the Utah Code, as amended.

HISTORY:

ORD. NO. [2022-05](#), 12/21/2022

1.3 Administrative Appeal Process

1.3.1 Scope

This ordinance governs appeals related to issuance of permits, licenses, authorization, approvals, or other decisions by Lake Point that are not land use decisions nor are related to land use permits. Nothing herein grants any right to appeal or challenge any legislative decision, action, or enactment of the City Council.

HISTORY:

ORD. NO. [2023-03](#), 2/1/2023

1.3.2 Definitions

1. "Applicant" means a person who has applied for a license, permit, authorization, approval, or other formal decision for the City that is not a land use decision or land use permit, or who requests that the City issue an approval or decision that is not a land use decision or land use permit.

HISTORY:

ORD. NO. [2023-03](#), 2/1/2023

1.3.3 Right To Appeal

Any applicant whose application or request has been denied may appeal such denial to the City Council within fourteen (14) calendar days of the written notice of denial by filing a written appeal to the City Recorder. Such appeal shall set forth the desired relief and the factual and legal basis therefor.

HISTORY:

ORD. NO. [2023-03](#), 2/1/2023

1.3.4 Hearing On Appeal

1. An informal hearing on the appeal shall be heard by the City Council within a reasonable time after the appeal is filed.
2. Notice of the date, time, and place of the hearing shall be provided in writing to the applicant by mailing or hand delivering such notice at least fourteen (14) calendar days in advance of the hearing.
3. The appeal shall be conducted by the City Council without formal rules of procedure or evidence, and the City Council may establish reasonable rules regarding the time, length, and subject matter of any presentation in accordance with due process. Subject to such rules, the applicant shall have the right to be represented by counsel, to call and question witnesses, and to present such other claims, evidence, information, and arguments related to the appeal desired.
4. At or within a reasonable time after the conclusion of the appeal, the City Council shall issue a decision on the appeal. Such decision shall be memorialized in writing and provided to the applicant.

HISTORY:

ORD. NO. [2023-03](#), 2/1/2023

1.3.5 Claims Subject To Governmental Immunity Act

Notwithstanding anything set forth herein, all claims subject to the Utah Governmental Immunity Act, Title 63G, Chapter 7, shall follow and be subject to the procedures set forth therein. Nothing herein shall excuse any failure to strictly comply with the terms and conditions of said Act.

HISTORY:

ORD. NO. [2023-03](#), 2/1/2023

2 Definitions

3 Administration

3.1 Planning And Zoning Commission

3.1.1 Purpose

The Lake Point Planning and Zoning Commission is hereby established pursuant to Utah Code §10-9a-301 and other applicable sections of the Utah Land Use, Development, and Management Act.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.2 Establishment Of Planning And Zoning Commission

1. There is hereby created the Lake Point Planning and Zoning Commission ("Commission") consisting of seven (7) members.
2. Members of the Commission shall serve without compensation, except for reimbursement of reasonable expenses incurred in performing their duties as members of the Commission, subject to Lake Point's reimbursement policies, resolutions, and ordinances.
3. Members of the City Council may not serve on the Commission.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.3 Appointment Of Members

1. Each member of the City Council shall appoint one (1) member of the Commission.
2. The remaining two (2) Commission members shall be appointed by a two-thirds (2/3) major vote of the City Council.
3. There shall be no restriction on the number of terms a member may serve on the Commission.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.4 Term Of Office

1. Term. Members of the Commission shall serve two (2) year terms, beginning after their appointment in the first City Council meeting in February after each municipal election, and shall serve until they are removed or until a successor is appointed, provided that the first members appointed in 2023 shall have the terms set forth below.
2. Term Of First Members. The first members of the Commission shall have the following terms:
 - a. Commission members appointed by City Council members currently serving a three (3) year term shall serve an initial three (3) year term, subject to reappointment to a regular term.
 - b. Commission members appointed by City Council members currently serving a one (1) year term shall serve an initial one (1) year term, subject to reappointment to a regular term.
 - c. One (1) Commission member appointed by majority vote of the City Council shall serve an initial one (1) year term, and the other Commission member appointed by majority vote of the City Council shall serve an initial three (3) year term, each subject to reappointment to a regular term. The City Council shall designate the length of each member's initial term upon appointment.
3. Reappointment. Subject to the appointment process as set forth herein, Commission members may be re-appointed to serve successive terms.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023ORD. NO. [2023-09](#), 3/15/2023

3.1.5 Removal

Any Commission member may be removed from office, with or without cause, at any time, by the City Council. Without limiting the foregoing, Commission members may also be removed by the City Council for misuse or illegal use of emails, abuse of position, and not adhering to the standards, policies, and expectations set forth in this ordinance, Commission bylaws, policies, and rules, and other governing law.

1. If a member as appointed by an individual City Council member, the member may be removed by the appointing City Council member.
2. If a member was appointed by the City Council, the member may be removed by a two-thirds (2/3) majority vote of the City Council.
3. The Commission may seek to remove a member as follows:
 - a. The Commission chairperson (or in the case of the chairperson, the vice chairperson) issues a written notice to the member identifying the standard, policy, ordinance, regulation, law, agreement, or other governing standards of conduct violated by the member, which notice shall request the member correct their behavior. The written notice shall also be filed with the Commission secretatry.
 - b. If the member's behavior continues, the Commission chairperson (or in the case of the chairperson, the vice chairperson) shall issue a written notice to the member identifying the standard, policy, ordinance, regulation, law, agreement, or other governing standard of conduct that has continued to be violated by the member, which notice shall inform the member that the matter is being referred to the City Council. The written notice shall also be filed with the Commission secretary, City Recorder, and Chair of the City Council. The City Council shall thereafter conduct such investigations and evaluations as the Council deems necessary and may, pursuant to this section, remove such member.

HISTORY:

ORD. NO. [2023-09](#), 3/15/2023

3.1.6 Vacancies

1. Vacancies on the Commission shall be filled in the same manner as the original appointment of the vacant member.
2. Vacancies shall be filled within thirty (30) days of the resignation, removal, or other departure of the vacant member, unless otherwise authorized by the City Council.
3. A member appointed as an interim replacement of a vacated position shall serve only the remained of the original member's term, subject to reappointment to a regular term.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023ORD. NO. [2023-09](#), 3/15/2023

3.1.7 Organization

1. The members of the Commission shall select from their own members, by majority vote of all appointed members, a chairperson and vice chairperson at the first Commission meeting held after adoption of this ordinance, and thereafter annually on the third Thursday in January.
2. Each chairperson and vice chairperson shall serve in that capacity until the third Thursday in January of the following year, unless the member is sooner removed or otherwise vacates their office, in which case the members of the Commission shall select a replacement pursuant to this section.
3. A chairperson and vice chairperson may serve multiple terms as chair or vice chair, but may not serve consecutive terms in the same capacity.

4. The chairperson, or in their absence the vice chairperson, shall preside over all meetings, hearings, and other proceedings of the Commission and shall execute all official documents, notices, and letters approved or required by the Commission.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.8 Meetings

1. The chairperson, and in their absence the vice chairperson, shall conduct all Commission meetings in accordance with this ordinance, Commission bylaws and policies, and governing law.
2. The Commission shall meet as is necessary or as requested by the City Council.
3. The Commission shall establish their meeting schedule and meeting location. Such meeting schedule and location shall be approved by the City Council before taking effect. All meetings, including any necessary public hearings, shall be held after 5:00 PM, unless otherwise authorized by the City Council. All meetings shall be held in Lake Point and shall be in a place of sufficient size to ensure public access, unless otherwise authorized by the City Council.
4. All meetings and public hearings of the Commission shall comply with the Utah Open and Public Meetings Act, Title 52, Chapter 4 of the Utah Code, the Utah Land Use, Management, and Development Act, Title 10, Chapter 9a, of the Utah Code, and all ordinances, resolutions, and regulations adopted by Lake Point.
5. Four (4) members of the Commission shall constitute a quorum.
6. Votes on official acts and recommendations shall require a minimum concurring vote of at least four (4) members of the Commission.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.9 Recommendations And Reports

1. Reports of official acts and recommendations of the Commission shall be public and be made in writing or in person during a public meeting to the City Council. Each report shall indicate how each member of the Commission voted with respect to such act or recommendation.
2. The Commission chairperson, or in their absence, the vice chairperson, shall make all reports of the official acts and recommendations of the Commission. If both are absent, another designated member of the Commission or City staff shall make such report.
3. Any member of the Commission, including the chairperson or vice chairperson, may also make a concurring or dissenting report or recommendation to the City Council in writing or in person during a public meeting to the City Council.
4. In the event that the Commission fails to make a recommendation within thirty (30) days after first considering an item in a public meeting or public hearing, the City Council may consider such failure as a negative recommendation.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.10 Conflicts Of Interest

1. All members of the Commission shall comply with the Utah Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Part 13, of the Utah Code, the Utah Public Officers' and Employees' Ethics Act, Title 67, Chapter 16, of the Utah Code, and all other governing ethical and conflict of interest standards, which standards include, but are not limited to, the following:

- a. Members shall not disclose or improperly use non-public information acquired by reason of the member's official position or in the course of official duties in order to further substantially the member's personal economic interest or to secure special privileges or exemptions for the member or for others;
 - b. Members shall not use or attempt to use their official position to further substantially their personal economic interest or to secure special privileges for the member or for others;
 - c. Members shall not knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the member or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that: would tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of the person's public duties or that the member knows or should know under the circumstances is primarily for the purpose of rewarding the member for official action taken;
 - d. Members shall disclose as required by law any arrangement in which the member receives or agrees to receive compensation for assisting any person or entity in any transaction involving Lake Point; and
 - e. Members who are officers, directors, agents, employees, or owners of a substantial interest in any business entity which is subject to Lake Point regulation or which does or anticipates doing business with Lake Point, shall disclose such position and the nature and value of their interest as required by law.
2. On any matter in which a member of the Commission has a conflict of interest, the member shall disclose such conflict as required by law, and the member shall not participate or vote on any such matter as a member of the Commission. This shall not restrict the member from participating in a discussion on such matter as a member of the public or as a land use applicant.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023

ORD. NO. [2023-09](#), 3/15/2023

3.1.11 Powers And Duties

The Commission shall have the following powers and duties, in addition to any power or duty given or delegated to planning commissions under the laws of the State of Utah:

1. Review, conduct necessary hearings for, and make recommendations to the City Council regarding a general plan and amendments to the general plan;
2. Review, conduct necessary hearings for, and make recommendations to the City Council regarding an annexation policy plan, annexation expansion area map, and amendments to the same;
3. Review, conduct necessary hearings for, and make recommendations to the City Council regarding land use and zoning regulations and amendments to land use and zoning regulations, including the creation of zoning districts and applicable zoning regulations, ordinances regarding the subdivision of land, the delegation of power to one or more land use authorities for various land use applications, the delegation of power to one or more appeal authorities to hear and act on land use appeals, and procedures for the review, processing, and decision of land use applications.
4. Administers provisions of the zoning ordinance, where specifically provided for in the land use regulations adopted by the City Council;
5. Recommends approval or denial of land use applications, where specifically provided for in the land use regulations adopted by the City Council;
6. Advises the City Council on matters as the City Council directs, and hears and provides recommendations on any matter that the City Council designates or as otherwise authorized by state law;
7. Conducts such public hearings as are required by law or as may be deemed necessary by the Commission;
8. Requests, subject to budgetary constraints and City Council approval, expert and staff opinions required for matters under Commission review;
9. Enters upon land at reasonable times to make examinations and surveys pertinent to the:
 - a. Preparation of the general plan and amendments thereto;
 - b. Preparation or enforcement of land use ordinances;
 - c. Request for approval of a land use application under review.
10. Create policies, bylaws, and rules regarding the conducting of meetings and the internal regulation of Commission business, provided that the Commission may not adjust any power or duty set forth herein or any duty outside of the internal process and business of the Commission without the approval of the City Council.

HISTORY:

ORD. NO. [2023-01](#), 1/11/2023ORD. NO. [2023-09](#), 3/15/2023

3.32 Policies And Procedures For The Selection And Replacement Of The Council Chair And Vice Chair

3.32.1 Procedures

1. The following procedures govern the position of chair and vice chair of the Lake Point City Council:
 - a. Term Length: The term length of the initial chair and initial vice chair shall be up to the first city council meeting in January 224 (approximately 1 year and 1 month). Thereafter, the term length of the chair and vice chair shall be one year, ending at the first council meeting in January each year.
 - b. During the first City Council meeting of each calendar year, beginning in January 2024, the City Council selects a chair and vice chair as follows:
 - i. The chair who had just completed their term steps down as chair, if still serving on the City Council.
 - ii. The vice chair conducts the meeting and becomes the chair for the next one-year term.
 - iii. A new vice chair is selected by majority vote of the City Council.
 - c. If at any time there is a vacancy in office, or if the vice chair does not continue into the subsequent year so as to become chair, the City Council shall select all necessary replacement officers by majority vote during a public meeting.
 - d. The chair and vice chair shall be members of the City Council.

HISTORY:

ORD. NO. [2023-21](#), 9/13/2023

4 Revenue And Finance

4.1 Sales And Use Tax

4.1.1 1% Sales And Use Tax Imposed

1. Lake Point imposes a one percent (1%) sales and use tax in conformance with Utah Code §59-12-203 and related sections of Title 59, Chapter 12, Part 2 of the Utah Code (the Act), as it may be amended from time to time.
2. There is levied and there shall be collected and paid a tax upon every transaction described in Utah Code §59-12-103(1) made within the municipal boundaries of Lake Point at the rate of one percent (1%).
3. Lake Point shall not impose the tax levied herein in the following circumstances:
 - a. Lake Point shall not impose the tax levied herein on the sales and uses described in Utah Code §59-12-104, to the extent such sales and uses are exempt from taxation under Utah Code §59-12-104.
 - b. The sale, storage, use, or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with the Act by an county other than the county in which the city or town is located, or city or town in this state, shall be exempt from the tax levied under this ordinance.
4. The location of a transaction shall be determined as set forth in Sections 59-12-211 through 59-12-215 of the Act, and rules promulgated by the Utah State Tax Commission.
5. The amount of any tax paid under Title 59, Chapter 12, Part 1, of the Utah Code, as amended, shall not be included as a part of the purchase price paid or charged for a taxable item.
6. Except insofar as they may be inconsistent with the provisions of the Act, all of the provisions of Title 59, Chapter 12, Part 1, of the Utah Code, as amended, are adopted and made a part of this ordinance as though fully set forth herein, insofar as they relate to sales taxes.
7. To the extent that the State of Utah is named or referred to as the taxing agency in any section of the Utah Code incorporated in or by reference made part of this Ordinance, including Chapter 12 of Title 59, Utah Code, the name of this municipality as Lake Point shall be substituted therefor. Nothing in this section shall be deemed to require substitution of the name of the municipality for the word "state" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.
8. Lake Point shall contract with the Utah State Tax Commission for the Commission to perform all function incident to the administration or operation of this sales and use tax ordinance.
9. The sales and use tax levied herein shall be effective as of April 1, 2023, which date is the first day of the first calendar quarter that is at least ninety (90) days after this ordinance is adopted and notice may be send to the Utah State Tax Commission.

HISTORY:

Ord. No. [2022-03](#), 12/7/2022

4.1.2 Transient Room Tax Imposed

1. Lake Point imposes a one percent (1%) transient room tax in pursuant to Utah Code §59-12-352 and related sections of Title 59, Chapter 12, Part 3A of the Utah Code (the Act), as it may be amended from time to time.
2. There is levied and there shall be collected and paid a tax upon every charge for accommodations and services described in Utah Code §59-12-103(1)(i) made within the municipal boundaries of Lake Point at the rate of one percent (1%).
3. The location of a transaction shall be determined as set forth in Sections 59-12-211 through 59-12-215 of the Utah Code, and rules promulgated by the Utah State Tax Commission.
4. Except insofar as they may be inconsistent with the provisions of the Act, all of the administrative, collection, and enforcement procedures and provisions of Title 59, Chapter 12, Part 1 and Part 2, of the Utah Code, as amended, are adopted and made a part of this ordinance as though fully set forth herein, insofar as they related to transient room taxes.

5. To the extent that the State of Utah or another entity is named or referred to as the taxing agency in any section of the Utah Code incorporated in or by reference made part of this ordinance, including Chapter 12 of Title 59, Utah Code, the name of this municipality as Lake Point shall be substituted therefor. Nothing in this section shall be deemed to require substitution of the name of the municipality for the word "state" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.
6. Lake Point shall contract prior to the effective date of this ordinance with the Utah State Tax Commission for the Commission to perform all functions incident to the administration or operation of this transient room tax ordinance.
7. The sales and use tax levied herein shall be effective as of April 1, 2023, which date is the first day of the first calendar quarter that is a least ninety (90) days after this ordinance is adopted and notice may be sent to the Utah State Tax Commission.

HISTORY:

Ord. No. [2022-04](#), 12/7/2022

4.2 Financial Administration, Purchasing, Procurement, And Property Management

4.2.1 Purpose

The purpose of this Ordinance is to establish regulations to govern the purchasing, expenditure, and sale of Lake Point funds and other property.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.2 Scope

Purchases shall not be made and encumbrances shall not be incurred for the benefit of the City, except as provided by the Utah Uniform Municipal Fiscal Procedures Act, Title 10, Chapter 6 of the Utah Code, applicable portions of the Utah Procurement Code, Title 63G, Chapter 6a of the Utah Code, the Building Improvements and Public Works Projects Act, Title 11, Chapter 39 of the Utah Code, and this chapter. In the event of a conflict between this chapter and the Utah Procurement Code, the provisions of this chapter shall prevail.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.3 Definitions

Unless the context requires otherwise, the terms as used in this chapter, shall have the following meanings:

1. "Building Improvement" means the construction or repair of a public building or structure that is not an international airport.
2. "Construction" means the process of building, renovating or demolishing any public structure or building, major developmental work, or landscaping of public real property. It does not include the routine operations, routine repair, or routine maintenance of existing structures, buildings or real property.
3. "Employment" means the hiring of employees for the City, including part-time, seasonal, full-time, and other employees. Does not include independent contractors or professional services.
4. "Line Item Change Order" means changes to the quantities of existing line items with unit pricing approved according to the purchasing system.
5. "Local Bidder" means a firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by, or pays business taxes to the City.

6. "Professional Services" means, but shall not be limited to, the following: auditing, architecture, banking, insurance, engineering, appraisals, legal services, and other consulting services.
7. "Public Property" means any item of real or personal property owned by the City.
8. "Public Works Project" means the construction of a park, recreational facility, pipeline, culvert, dam, canal, or other system for water, sewage, stormwater, or flood control.
9. "Responsible Bid" means an offer, submitted by a responsible bidder to furnish supplies, equipment or contractual services in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids.
10. "Responsible Bidder" means a person or firm who has the capability in all respects to perform fully the contract requirements and who has the integrity and reliability which will assure good faith performance. The lowest responsible bidder is a bidder who has submitted the lowest bid to furnish supplies or contractual services to the City, and who meets the standards set forth in this definition. The lowest responsible bidder's bid shall comply with the specifications, delivery terms and conditions, and other qualifications and requirements included in the invitation for bids, and shall be accompanied by any bonds required by the City or other applicable law. In determining the lowest responsible bidder, the City shall give primary emphasis to bid price, but may also consider the following items in addition to the actual bid price:
 - a. The ability, capacity, experience and skill of the bidder to perform the service required.
 - b. Whether the bidder can perform the contract or provide their services within the time specified.
 - c. The qualify and performance of previous services by the bidder, either to the City or another entity.
 - d. Quality, availability and adaptability of the supplies or contractual services to the particular use required.
 - e. The ability of the bidder to provide future maintenance and service.
 - f. The number and scope of conditions attached to the bid or price quotation.
 - g. The maintenance history of the product, the parts and service costs of the product, existing inventory, mechanic's expertise, and ease of maintenance.
 - h. All bidders shall furnish information and data requested by the City that will assist the City in determining whether or not a particular bidder is the "lowest responsible bidder".
11. "Solicitation" means the procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment, and contractual services.
12. "Solicitation Process" means the process used by the City to solicit and award bids or contracts. Examples of processes used in this chapter include formal competitive bidding, competitive sealed proposals in lieu of bids, and open market procedure.
13. "Supplies, Materials and Equipment" means any tangible and all articles of personal property or things which shall be furnished to or used by any City department or by any City employee in the performance of their duties. Supplies, materials and equipment may be collectively referred to as "supplies".

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.4 Administration

The Council Chair or designee shall function as the chief procurement officer for the City. They shall administer the purchasing system provided by this ordinance, shall perform the duties and have the powers concerning purchasing as follows:

1. Administer and maintain the purchasing and solicitation system;
2. Recommend to the City such new or revised purchasing requirements as are deemed desirable and in conformance with other statutory requirements;
3. Negotiate and recommend execution of contracts for the purchase of supplies, equipment and contractual services;
4. Seek to obtain as full and open competition as possible on all purchases;
5. Manage solicitation processes and responses in conformance with this ordinance.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.5 Solicitation Processes

The City shall substantially comply with the following guidelines for the specific solicitation process used:

1. Budget. For all solicitation processes, the chief procurement officer shall establish a budget or estimated cost for the procurement.
2. Formal Competitive Bidding.
 - a. Notice Inviting Bids Issued
 - i. Notice includes a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the time and place for opening bids.
 - ii. The notice inviting bids shall be:
 1. Published on the City website, the State bid page website, and/or any other online bid or notice website that is reputable and will be seen by those within the appropriate market or profession; and
 2. Delivered to all known responsible prospective bidders, including those whose names are on a bidder's list or who have made a written request that their names be added to the bidder's list.
 - iii. State Bid List. If there is quotation for the item desired to be purchased on the State bid list, the City may invite prospective bidders to bid against the price quoted in the State bid list.
 - b. Bid Procedure
 - i. Sealed bids shall be submitted as designated in the notice with the statement "Bid for (item or project)" on the envelope/subject.
 - ii. Bids shall be opened in public at the time and place stated in the notice.
 - iii. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.
 - iv. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.
 - c. Bid Award. Bids shall be awarded or rejected as set forth in Section 4.2.7.
3. Competitive Sealed Proposals In Lieu Of Bids/Request For Proposal (RFP)
 - a. Notice of an RFP shall be:
 - i. Published on the City website, the State bid page website, and/or any other online bid or notice website that is reputable and will be seen by those within the appropriate market or profession; and
 - ii. Delivered to all known responsible prospective bidders, including those whose names are on a bidder's list or who have made a written request that their names be added to the bidders' list; and
 - iii. Published in other locations, such as trade journals, if deemed necessary to reaching additional responsible prospective bidders.
 - b. The request for proposals shall state the factors and criteria, including price, that will be used to evaluate proposals.
 - c. Opening Of Proposals
 - i. Proposals shall be opened so as to avoid disclosure of contents to competing bidders during the process of evaluation and negotiation.
 - ii. A register of proposals shall be maintained by the City for thirty (30) days after the contract award.
 - d. Revision Of Proposals
 - i. As provided in the request for proposals, discussions may be conducted with responsible bidders who submit proposals determined to be reasonably susceptible of being selected for award. The purpose of the discussion is to assure full understanding of and responsiveness to the solicitation requirements.
 - ii. Bidders shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions to bids may be permitted at the City's discretion, after submissions and prior to award for the purpose of correcting errors and clarifying information needed to evaluate the proposal.
 - iii. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing bidders.

- e. Award Of Proposal. Award shall be made to the responsible bidder whose proposal is determined to be the most advantageous to the City, taking into consideration price, the evaluation factors set forth in the request for proposals, and other criteria set forth herein. The City may further negotiate terms in order to comply with budgets, specific services/products sought, and other matters beneficial to the City. The award shall be in accordance with 4.2.7.
4. Open Market Procedure
- a. Purchases of supplies may be purchased through supplier accounts the City has opened with various vendors. Employees are encouraged to use sales events for those common supplies sold through various public vendors.
 - b. Open market purchases shall, whenever possible, be based on at least three (3) quotes or bids, even if informal. Quotes or bids shall be solicited from prospective vendors by written or oral request.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.6 Choice Of Solicitation Process

Except as otherwise provided in this chapter or by provisions of State or Federal law, purchases of supplies, services, or equipment shall follow one of the bid or proposal processes outlined below for the appropriate dollar amount. In cases where more than one alternative is listed as acceptable for a given dollar amount, any of the listed alternatives shall be acceptable. The City shall not incur any liability for choosing one alternative over another. The choices of solicitation process are as follows:

1. Building Improvements and Public Works Projects that exceed the bid limit established in Utah Code §11-39-101 shall follow the bid and other procedures set forth in Title 11, Chapter 39 of the Utah Code.
2. Purchases of supplies or services having an estimated value in excess of twenty-five thousand dollars (\$25,000.00) shall be approved by the City Council pursuant to one of the following procedures:
 - a. State bid.
 - b. Formal competitive bidding, without the requirement of publishing notice.
 - c. Competitive sealed proposals in lieu of bids/RFP.
3. Purchases of supplies or services having an estimated value of greater than five thousand dollars (\$5,000.00) but less than or equal to twenty-five thousand dollars (\$25,000.00) shall be approved by the City Council pursuant to one of the following procedures:
 - a. State bid.
 - b. Formal competitive bidding, without the requirement of publishing notice.
 - c. Competitive sealed proposals in lieu of bids.
 - d. Open market procedure.
4. Whenever the supplies or services have an estimated value of five thousand dollars (\$5,000.00) or less, all solicitation processes and procedures may be dispensed with.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.7 Awarding Of Bids And RFPs

1. Lowest Responsible Bidder. Except as otherwise allowed or required, the City shall award the contract or bid to the lowest responsible bidder. For RFPs, the lowest responsible bidder shall consist of the proposal that provides the best value and is the most advantageous to the City.
2. Rejection Of Bids. The City Council, chief procurement officer, or others authorized to accept and award bids may reject any and all bids presented, and may resolicit for bids as set forth in this ordinance. The City may proceed to do any work itself after rejecting all bids, by following the procedures set forth in Utah Code §11-39-103 if applicable.

3. Negotiation Of Bids. Where a bid exceeds available funds and time or economic considerations preclude re-solicitation of work or purchase of a reduced scope or quantity, the chief procurement officer or designee may negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible bidder, in order to bring the low bid within the amount of available funds.
4. Tie Bids. If two (2) or more of the bids received are for the same total amount or list price, quality and service being equal, the chief procurement officer or designee may negotiate with the bidders and obtain the best possible and/or give a preference to a local bidder.
5. Local Bids. The chief procurement officer or designee may specify in the solicitation notice that preference will be given to a response from a local provider, on such terms as the officer or designee determines.
6. Single Bids. The chief procurement officer or designee may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.
7. Bonds. Before entering a contract, the City shall have the authority to require performance, payment, or other bonds or insurance in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds or insurance to be required shall be described in the notice inviting bids.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022ORD. NO. [2023-04](#), 2/1/2023

4.2.8 Contract Considerations

1. Change Orders. Change orders which increase the contract price in an amount of the lesser of ten thousand dollars (\$10,000.00) or ten percent (10%) of the contract amount may be approved by the chief procurement officer or designee, as long as the overall project budget is not exceeded by more than the lesser of ten thousand dollars (\$10,000.00) or ten percent (10%) of the contract price, and provided further that the sum of all change orders does not increase the contract price by more than the lesser of ten thousand dollars (\$10,000.00) or ten percent (10%) of the contract amount. Line item change orders may be approved by the chief procurement officer or designee as long as the overall project budget is not exceeded by more than the lesser of ten thousand dollars (\$10,000.00) or ten percent (10%) of the contract price.
2. Multi-Year Contracts. Multi-year contracts longer than five (5) years shall comply with Utah Code §63G-6A-1204 Multiyear Contracts.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022ORD. NO. [2023-04](#), 2/1/2023

4.2.9 Exceptions To Solicitation Requirements

Unless otherwise required by State or Federal law, the solicitation process requirements set forth in this ordinance do not apply in the following situations:

1. Employment. Employment decisions, employment payments (including payroll and benefit payments), and the hiring of all employees is not subject to any solicitation process, provided that the City Council may authorize or require a competitive process, by job posting or other similar methods, where desirable to have a competitive process for selecting an employee, and all employment payments shall be established through the City's budget process.
2. Professional Service Contracts.
 - a. Professional services shall include, but not be limited to, the following: auditing, architecture, banking, insurance, engineering, appraisals, legal services, and other consulting services. Professional service contracts shall be awarded based on professional qualifications, service ability, cost of service, and other criteria deemed important by the City.
 - b. A professional services contract for the annual fiscal year financial audit shall only be award by the City Council. This contract may be awarded for multiple years. The performance of the auditing firm may be reviewed periodically to determine whether to continue the contract or put it back out to bid.
3. Contracts Not Suited To Competitive Bidding. Contracts, which by their nature are not suited to award by competitive bidding, shall not be subject to the competitive solicitation requirements. These contracts include, but are not necessarily limited to:

- a. Contracts for items which may only be purchased from a single or sole source.
 - b. Contracts for additions to and repairs and maintenance of equipment owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm.
 - c. Contracts for equipment that, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, is more compatible with the existing equipment owned by the City.
4. Auction, Closeout, Bankruptcy Sales. If the chief procurement officer or designee determines that supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale and if the chief procurement officer or designee finds that a purchase at any such action or sale will be made at a cost below the market cost in the county, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this chapter.
 5. Exchanges. Exchanges of supplies, material or equipment between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.
 6. Projects Performed By City Employees. City employees may be used to complete City projects, provided that the City complies with State statutory requirements governing contracts for building improvements and public works projects.
 7. State Bid List. The City may purchase supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, without any solicitation or price quotation or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items and the City need not follow any other bidding requirements.
 8. Utah Correctional Industries Division. Goods and services produced by the Utah Correctional Industries Division may be purchased from the Utah Correctional Industries Division without following any of the bidding requirements set forth herein.
 9. Emergency Purchases. Notwithstanding any other section of this chapter, competitive bidding may be suspended in the even of an emergency when supplies, services, and/or contracts are needed immediately in order to respond to the emergency. In order to suspend competitive bidding, the emergency must require immediate action and/or response in order to protect the life, health, or safety of persons or property, or, in the event of an improvement bond forfeiture, the need to complete the bonded improvements in a certain time frame, given all factors, including weather considerations.
 10. Contract Extension. Extension of contract with a firm currently providing service if the City Council believes an extension rather than a solicitation process is in the best interest of the City.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022ORD. NO. [2023-04](#), 2/1/2023

4.2.10 Interlocal Agreements In Letting Of Contracts For Commodities Or Services

The City shall have the power to enter into joint purchase agreements with any or all other public agencies within the state for the purchase of ay commodity or service, whenever it is determined by the City Council to be in the best interest of the City.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022ORD. NO. [2023-04](#), 2/1/2023

4.2.11 Hearing And Notice For Sale Of Significant Parcel Of Real Property

1. Lake Point shall not sell a significant parcel of real property except after reasonable notice is provided of a public hearing related to the disposal and said public hearing is held to allow for public comment on the proposed disposition, as required by Utah Code §10-8-2.
2. "Reasonable notice" for purposes of this section shall mean a notice that describes the property being disposed of and the date, time and place of the public hearing that is published at least fourteen (14) days in advance of the public hearing in at least the following places:
 - a. The City offices; and
 - b. The Utah Public Notice Website and City Website.

3. A "significant parcel of real property" shall constitute any parcel or lot of real property that is capable of development under applicable zoning or that is equal to or greater than one tenth (1/10) of an acre.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.12 Sales, Leases, And Disposal Of Any Property

1. In selling, leasing, or otherwise encumbering any property, real or personal, that is reasonably estimated to have value, the City Council shall approve the method or methods by which the property will be sold. For property with an expected value of at least one hundred thousand dollars (\$100,000.00), the City Council shall have an appraisal performed of the property prior to approving any transaction related thereto.
2. The City Council may seek bids or proposals for the property any of the solicitation processes described in this ordinance, may enter into private negotiations, or use other, reasonable methods to establish a sale, rental, or lease price and other terms and consideration.
3. The City Council shall ensure that, whatever method or process is used to sell, lease, or otherwise encumber property, the City receives at least fair market value in exchange for the rights and property so transferred.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.13 Claims For Payments Or Damages

The City Council shall examine and consider all claims for payments or damages submitted to the City in accordance with governing law.

HISTORY:

ORD. NO. [2022-06](#), 12/21/2022

ORD. NO. [2023-04](#), 2/1/2023

4.2.14 Monthly Reporting

The City Treasurer shall present to the City Council, at least monthly, a report of all invoices, checks, and other payments made, issued, or approved by Lake Point.

HISTORY:

ORD. NO. [2023-04](#), 2/1/2023

4.3 Telecommunications License Tax

4.3.1 Purpose

The purpose of this ordinance is to impose a three and a half percent (3.5%) municipal telecommunications license tax pursuant to and in conformance with Title 10, Chapter 1, Part 4 of the Utah Code (the Act), as it may be amended from time to time.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.2 Definitions

This ordinance hereby adopts and incorporates by reference all definitions set forth in Utah Code §10-1-402, as they may be related to this ordinance and the tax imposed hereby.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.3 Tax Levied

From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax on the gross receipts from telecommunications service attributed to Lake Point at the rate of three and a half percent (3.5%) (the "Tax").

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.4 Recovery

Pursuant to the Act, a telecommunications provider may recover the amounts paid pursuant to the Tax from the customers of the telecommunications provider within Lake Point through a change that is separately identified in the statement of the transaction with the customer as the recovery of a tax.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.5 Gross Receipts

The gross receipts from a telecommunications service shall be attributed to Lake Point if the gross receipts are from a transaction for telecommunications service that is located within Lake Point for purposes of sales and use taxes under Title 59, Chapter 12 of the Utah Code, and determined in accordance with Utah Code §59-12-215, and rules promulgated by the Utah State Tax Commission, subject to the requirements of Utah Code §10-1-407.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.6 Exemptions

Lake Point may be exempted from the limitation on the rate of the Tax set forth in the Act if such exemption is approved by a majority vote of the voters of Lake Point that vote in a municipal general election or regular general election.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.7 Procedures

The procedures of Utah Code §10-1-408 related to taxes erroneously recovered from customers are hereby incorporated and made a part of this ordinance.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.8 State Tax Commission

1. Lake Point shall contract prior to the effective date of this ordinance with the Utah State Tax Commission for the Commission to perform all functions incident to the administration or operation of the Tax and this ordinance.
2. A copy of this ordinance, together with any other notice required by the Act, shall be transmitted to the Utah State Tax Commission as soon as practicable after the adoption of the ordinance.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.3.9 Effective Date

This ordinance and the Tax levied herein shall be effective as of July 1, 2023, which date is the first day of the first calendar quarter that is at least ninety (90) days after this ordinance is adopted and notice may be sent to the Utah State Tax Commission.

HISTORY:

ORD. NO. [2023-07](#), 3/15/2023

4.4 Property Tax

4.4.1 Property Tax Levied

Lake Point is required by Utah law, §10-6-133, to establish the real property tax levy.

1. The real property tax levy shall be the certified tax rate, as determined by Tooele County, which rate is 0.000895%.
2. The tax levy adopted herein shall be in effect and used for Fiscal Year 2024.

HISTORY:

ORD. NO. [2023-15](#), 6/14/2023

5 Business And License Regulations

5.1 Commercial Businesses

5.1.1 Definitions

1. "City" means the municipality of Lake Point.
2. "Commercial Business" means any enterprise carried on for the purpose of gain or economic profit, including but not limited to the sale of tangible personal property, the manufacturing or warehousing of goods or property, and the rendering of services for or to others for consideration primarily located within a commercial zone, or requires a specific license from the State and the office address is within Lake Point city boundaries. The following shall not be considered a "commercial business" subject to this ordinance:
 - a. The acts of employees rendering services to employers;
 - b. Construction contractors and similar contractors who are contracted to work on a particular job site for a particular time, who do not maintain a place of business, office, employees, or equipment within the city;
 - c. Religious institutions;
 - d. Any commercial business that is expressly exempted from municipal licensing under city, state, or federal law.
3. "Commercial Business License" means the certificate, license, or permit required by this ordinance for any commercial business, including licenses for businesses, solicitors, food truck businesses, and temporary businesses.
4. "Commercial Site" means any building, structure, property, or portion thereof that is lawfully used, designated, and/or zoned under applicable law for business, commercial, or industrial operations. Buildings or other structures may not be used as part of a commercial site unless they were constructed in accordance with all applicable building, construction, fire, and other safety codes.
5. "Food Truck," "Food Truck Business," "Food Truck Event," and related terms have the same meaning as set forth in Title 11, Chapter 56, Utah Code.
6. "Place of Business" means each separate location maintained or operated by the licensee within the city from which business activity is conducted or transacted.
7. "License year" shall commence on July 1 and expire on the following June 30 of each year.
8. "Mobile Business," "Enclosed Mobile Business," and "Mobile Business Event," and related terms have the same meaning as set forth in Title 11, Chapter 56, Utah Code.
9. "Person" means any individual, business, company, corporation, firm, partnership, venture, or other entity of any kind.
10. "Residential Business," "Home Occupation," and "Home-Based Business" have the same meaning as set forth in the city's residential business ordinance.
11. "Solicitor" means any person, whether or not a resident of the city, whether or not working for themselves or for another, and whether or not they have a place of business within the city, who travels from place to place within the city offering for sale, taking or attempting to take orders, or establishing or attempting to establish appointments, for the current or future sale of goods, wares, merchandise, personal or real property, or services, regardless of whether the person has or carries and exposes for sale a tangible good or a sample thereof or is collecting advance payments. Solicitor does not include any individual person who is engaged in non-commercial activity for religious institution, church, or political purpose.
12. "Temporary Business" means any person, whether or not a resident of the city an whether or not working for themselves of for another, who engages in temporary business of selling and delivering goods, wares, and merchandise, or the advertising, engagement, and scheduling of services within the city, and who in furtherance of such purpose, hires, leases, rents, uses, or occupies any portion of a building, structure, vehicle, street, parking area, or other property within the city for a period of less than a license year for such business purposes. Does not include food truck businesses.
13. "Temporary" means, in relation to temporary commercial businesses and agricultural operations, commercial business operations on a regular or continual schedule that continue for a period of at least 30 days.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.2 Business License Required

1. It shall be unlawful for any person to engage in commercial business, including solicitors and temporary commercial businesses, within Lake Point without obtaining the licenses and permits required by this ordinance.
2. Every license or permit issued under this ordinance shall be posted by the licensee in a conspicuous and visible place within the place of business and shall be promptly removed upon expiration.
3. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on their person, ready to be shown upon request to an authorized individual during all such time or times while the license is engaged in or pursuing the business for which a license is granted.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.3 Commercial Business License Term And Renewal

1. Unless otherwise specified herein or as a condition of issuance of a commercial business license, each license shall be valid only for the applicable license year and shall expire on June 30 of each year, subject to renewal.
2. Each person desiring to renew a commercial business license shall apply for such renewal by submitting the appropriate application form, all required documentation, complete a fire inspection, and pay any required fee.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.4 Solicitor Regulations

1. Solicitors shall conspicuously display their license on their person at all times during which such solicitors are engaged in the business for which they are licensed and shall exhibit or produce such license upon request of any authorized officer or any resident of the city.
2. Solicitors shall not approach or knock on any private property, building, or structure whereupon a sign is posted to the effect that solicitation at such place is prohibited.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.5 Exceptions To Commercial Business License

1. Agricultural Operations. No commercial business license shall be required for the use of property for agricultural purposes, such as the growing or raising of crops and livestock.
2. Deliveries. No business license shall be required for any person whose only business activity in the city is there mere delivery in the city of property sold at a place of business maintained outside of the city, and were such person does not engage in further business within the city beyond mere delivery of property.
3. Mobile Businesses and Food Trucks.
 - a. No commercial business license shall be required for a mobile business or food truck to operate during a mobile business or food truck event on private property.
 - b. For operation of mobile businesses and food trucks outside of mobile business or food truck events, no commercial business license shall be required for a mobile business or food truck business operating within the city if the business holds a current business license in good standing from another political subdivision of the State of Utah, including a current health department permit or other approval, as applicable, from a local health department within the State of Utah and a current approval of a political subdivision of the State of Utah showing that the business passed a fire safety inspection, as applicable.

- c. If a mobile business or food truck business does not have a current business license in good standing from another political subdivision, the business shall obtain a Lake Point commercial business license prior to operating within the city.
 - d. If each mobile business or food truck associated with a mobile business or food truck business does not have a current health department permit or other approval, as applicable, from a local health department within the State of Utah and/or proof of successful passing of a fire safety inspection, as applicable, the person owning or operating the business shall obtain such approvals for each business prior to operating within the city.
 - e. Mobile businesses and food trucks may not operate within a public right of way without the city's written authorization. City shall grant such authorization in accordance with the City's adopted policies regarding mobile businesses and food trucks, and all such businesses shall comply with such policies and the conditions of the written authorization.
 - f. If a mobile business or food truck operates in the same location more than 10 hours per week, the person that owns or operates the business shall provide a site plan showing appropriate vehicular and pedestrian access and egress and compliance with all applicable zoning, fire code, and other regulations.
 - g. Mobile businesses and food trucks shall comply with all tax reporting requirements for sales within the city.
4. Residential Business. No commercial business license shall be required for a resident of Lake Point to operate a home occupation. Home-based business shall, and home occupations may, obtain a commercial business license. Regardless of any business license requirements, residential businesses shall comply with all regulations related to the residential business, as the same may be adopted or amended from time to time. To the extent there is a conflict between this Ordinance and the city's ordinances and regulations governing residential businesses, the latter shall control.
5. Youth Businesses. No commercial business license shall be required for a business that is operated only occasionally and by an individual who is under 18 years old.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023ORD. NO. [2023-30](#), 11/29/2023

5.1.6 Classification Of Commercial Business License

Commercial Business licenses shall be classified as follows:

1. Class A: General Commercial
2. Class B: General Commercial - alcohol (includes retail sales for on- and off-premise sales and consumption, manufacturing, and other commercial activities involving alcohol);
3. Class C: Temporary Commercial and Solicitor business licenses;
4. Class D: Residential businesses

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023ORD. NO. [2023-30](#), 11/29/2023

5.1.7 Commercial Business License In Addition To Other Approvals

1. Any commercial business license required under this ordinance is in addition to all other approvals, licenses, and permits required by other city ordinances, state, or federal law, including but not limited to zoning, land use, and other regulations.
2. Issuance of a Lake Point commercial business license shall not be deemed or construed as a waiver of the city's right to enforce and require compliance with all other provisions of governing law.
3. The commercial site associated with a commercial business license, if any, shall be inspected for compliance with fire and safety codes prior to issuance or renewal of a commercial business license.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023ORD. NO. [2023-30](#), 11/29/2023

5.1.8 Commercial Business License Contents

Each commercial business license shall be signed by the city treasurer, attested by the city recorder, and contain the following information:

1. Name: The name of the licensee and the business to whom such license has been issued.
2. Amount: The fee paid.
3. Type: The type of license and description of business so licensed, including the class of license, if the licenses are divided into classes. For solicitors, the license shall be clearly marked as "Licensed Solicitor"
4. Term: The term of the license with its commencement and expiration dates. The default term, unless otherwise provided for herein, shall be one license year. For licenses issued in calendar year 2023, unless otherwise provided for herein, the term of such license shall expire June 30, 2024.
5. Location: The address of the place of business so licensed.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.9 Joint And Separate Commercial Business Licenses

1. Each separate place of business, including each branch or other separate property, and each separate person operating a separate business at the same location as another, shall obtain separate licenses for such place of business or separate business, which licenses shall authorize the licensee to engage only in the business licensed therein at such place of business.
2. Where multiple businesses are operated by the same person at the same place of business, such person shall not be required to obtain separate licenses for conducting each business, but shall be issued one commercial business license which shall specify all authorized businesses. The license fee shall be computed at the highest license fee applicable to any of the businesses being conducted at the place of business.
3. Warehouses and distribution places used in connection with or incident to a commercial business licensed under this ordinance shall not be deemed to be separate places of business or branch establishments, unless such warehouse or distribution place is open to the public or used for retail sales or other business separate from the other business licensed under this ordinance.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.10 Commercial Business Permit Application

All commercial businesses, solicitors, and temporary commercial businesses, shall submit an application for a commercial business license with the following:

1. Lake Point commercial business license application form with such information required by the city council or staff to ensure compliance with this ordinance, including but not limited to:
 - a. Name of the person desiring the license;
 - b. Name of the business;
 - c. Description of the type of business sought to be licensed;
 - d. The place of business, including address or other identifying information;
 - e. The period of time for which such license is desired to be issued.
2. Documentation that the place of Commercial business is an authorized and permitted commercial site.
3. Payment of the appropriate fee as set by the city council.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.11 Solicitor And Temporary Commercial Business Applications

All applicants for a license as a solicitor or temporary commercial business shall, in addition to all other requirements of this ordinance, provide the following information with their application for a commercial business license:

1. The name of the applicant and if the applicant is an employee or agent of another person, the name of such other person;
2. The address of the applicant and if the applicant is an agent or employee of another person, the address of such other person, which shall be a physical address and not a post office box;
3. A brief description of the nature of the business and the goods or services to be sold or offered, and from whom or where the applicant obtains the goods or services offered;
4. The length of time for which the applicant desires to engage in business within the city. Solicitor and Temporary Commercial Business Licenses shall expire no later than thirty (30) days after issuance, unless an earlier date is established.
5. The places within the city where the applicant proposed to carry on their business. For a temporary commercial business, such place shall be an authorized commercial site.
6. A copy of the applicant's driver license or a copy of another government-issued identification, which, if the identification does not have a photograph of the applicant, or also if the picture on the identification is older than six (6) months, submission of a photograph of the applicant, taken within six (6) months immediately prior to the date of filing the application, which photograph shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.
7. A background check or similar information, with a statement as to whether the applicant has been convicted of any crime of assault, fraud, or theft, any crime punished as a felony, or any crime that required proving or admitting to a dishonest act or false statement and whether the applicant has been penalized for violation of any municipal ordinance, and a description of the nature of the offense and the punishment or penalty assessed therefor.
8. If the applicant is employed by another person, documents showing that the person for whom the applicant proposed to do business is authorized and licensed to do business within the state.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.12 Alcohol

1. Lake Point adopts by reference the Utah Alcoholic Beverage Control Act, Title 32B, of the Utah Code, as amended ("Alcohol Act").
2. It shall be unlawful for any person to sell or manufacture an alcoholic beverage or product, whether for consumption at the commercial site or off premise, unless the person has obtained all state licenses and permits as required by the Alcohol Act and has obtained a Lake Point commercial business license authorizing the commercial sale or consumption of alcohol.
3. A person seeking a Lake Point commercial business license authorizing the commercial sale or consumption of alcohol shall apply for such license and shall all information necessary or required by this Ordinance and the Alcohol Act, including:
 - a. The information required by Sections 10 or 11, as appropriate;
 - b. A statement that the person has not had any type of license, agency, or permit issued by any local authority or the state related to the commercial sale or consumption of alcohol revoked within the last five (5) years;
 - c. A statement that no partner, managing agent, officer, director, principal, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the person, was a partner or managing agent of any partnership, or is or was a managing agent, officer, director or a stockholder who holds or held at least twenty percent (20%) of the total issued and outstanding stock of any corporation that had a license, agency, or permit issued by any local authority or the state related to the commercial sale or consumption of alcohol revoked within the last five (5) years; and

- d. Proof that the state's issuance of all required licenses or permits under the Alcohol Act for the business. If the person cannot obtain the state-required license or permit without first obtaining a Lake Point commercial business license, Lake Point may, if all other requirements of approval are met, issue a Lake Point commercial business license to such person authorizing the commercial sale or consumption of alcohol, conditioned on the person providing documentation of the person's obtaining all required state-issued licenses and permits within thirty (30) days after the issuance of the Lake Point commercial business license. If the person does not timely submit such documentation, the Lake Point commercial business license shall be revoked immediately upon written notice to the person, without need for a hearing on such revocation.
4. Any person who obtains a commercial business license authorizing the commercial sale or consumption of alcohol shall remain in compliance with all city, state, county, and federal regulations and laws, including the Alcohol Act and all conditions of any required license or permit.
5. Any person who obtains a commercial business license to operate an off-premise retailer shall provide, upon request, and shall maintain valid records demonstrating that the off-premise retail manager and all off-premise retail staff have completed the alcohol training and education seminar required by the Alcohol Act, or shall ensure that such individuals shall complete such seminar within thirty (30) days after becoming employed.
6. A person desiring to conduct a special or temporary event involving the commercial sale or consumption of alcohol shall, prior to such event, apply for and receive approval of all state-required permits and licenses under the Alcohol Act, comply with all mass gathering, health, and safety requirements imposed by the state or Tooele county, and shall obtain a Lake Point temporary commercial business license.

HISTORY:ORD. NO. [2023-02](#), 4/19/2023ORD. NO. [2023-30](#), 11/29/2023

5.1.13 Sexually Oriented Businesses

1. Reserved.

HISTORY:ORD. NO. [2023-02](#), 4/19/2023ORD. NO. [2023-30](#), 11/29/2023

5.1.14 Denials

An application for a commercial business license may be denied by the city in writing under the following circumstances:

1. Fraud or misrepresentation in connection with the application;
2. The applicant has previously had a Lake Point license revoked;
3. The applicant has been convicted of a crime or violation of a municipal ordinance in connection with such business or place of business;
4. Outstanding or overdue payments, charges, or fees owed to the city related to the applicant or place of business;
5. Violation of land use and zoning regulations related to the place of business;
6. Failure to comply with or obtain required permits, licenses, or other approvals under governing laws, including fire code inspection and compliance and any other city, county, state, or federal law or regulation.

HISTORY:ORD. NO. [2023-02](#), 4/19/2023ORD. NO. [2023-30](#), 11/29/2023

5.1.15 Appeals

An applicant may appeal the denial of any license requested pursuant to this ordinance to the city council by filing an appeal within fourteen (14) calendar days of the denial. The appeal shall be heard by the city council, who shall conduct a hearing within a reasonable time after receipt of the appeal.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.16 Revocation

A license issued pursuant to this ordinance may be revoked by the city council in writing, after at least fourteen (14) calendar days' written notice of a hearing set for such purpose, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for the license.
2. Fraud, misrepresentation, or false statement made in the course of carrying on the business.
3. Any violation of this ordinance.
4. Any violation of applicable land use or zoning regulations.
5. Conviction of any crime or misdemeanor involving moral turpitude.
6. Conducting the business in an unlawful manner as to constitute a breach of the peace or to constitute a menace or nuisance to the health, safety, or general welfare of the public.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

5.1.17 Violations

1. Each person who operates a commercial business without the licenses and approvals required by this Ordinance shall be provided written notice of the requirement to obtain a license. If the person applies for and obtains the required license within 30 days after the date of such notice, no further penalties shall apply.
2. Each person who continues to operate a commercial business without a license after the notice and period described above who applies for a commercial business license or other approval required by this ordinance shall be subject to a penalty in the amount of the normal fee for such license or approval, which penalty shall be in addition to the normal fee for such license or approval.
3. The failure to obtain a license required by this ordinance after the notice and period described above shall be a class B misdemeanor, and each day the business continues operating shall be a separate violation, unless the violation relates to an individual's use of their residence in which case the first three violations within a 12-month period shall be an infraction, and no more than one infraction shall be issued for each 14-day period the violation continues.
4. The failure to properly display or provide a license in the manner required by this ordinance shall be a class C misdemeanor. Each day the commercial business fails to display a license, and each incident where a licensee fails to provide a license upon a request from an authorized person, shall be a separate violation.
5. Any other violation of this ordinance shall be a class C misdemeanor, and each day such violation continues shall be a separate violation, unless the violation relates to an individual's use of their residence, in which case the first three violations within a 12-month period shall be an infraction, and no more than one infraction shall be issued for each 14-day period the violation continues.
6. Nothing herein shall restrict the city's rights and remedies, and the initiation of criminal procedures shall not prohibit the city from pursuing any available remedy at law or equity, including injunctive relief.

HISTORY:

ORD. NO. [2023-02](#), 4/19/2023

ORD. NO. [2023-30](#), 11/29/2023

6 Health And Safety

6.1 Prevention, Remediating, And Abatement Of Nuisances Of Property, Noise, And Light

6.1.1 Definitions

As used in this Ordinance, the following words and terms shall have the meanings ascribed to them in this section:

1. A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound level meter using the A-weighting network, denoted as dBA.
2. Abandoned structure or building: A structure or building that has been allowed to deteriorate to a condition so as to be structurally unsound and to threaten or injure the physical health, safety, or integrity of persons or property. A structure will only be considered abandoned if the structure or building threatens or injures a person or property other than the owner, resident, or invitees of the property or threatens or injures property that is not located on the same lot or parcel as the abandoned structure or building. A structure or building shall not be deemed abandoned if the owner repairs or restores it within a reasonable time frame specified in written notice issued under this Ordinance, or if there is an active building permit for the structure or building.
3. Agriculture. any use of property for the raising, cultivating, or caring of crops, livestock, fish, honeybees, poultry, horses, orchards, vineyards, and gardens with the property owner's permission.
4. Ambient Sound: The sound pressure level which represents the summation of the sound from all the discrete sources affecting a given site over a given measurement period, which shall be not less than 10 minutes, exclusive of the source under investigation.
5. Appeal Board: The City Council, or the person, entity, or board designated and appointed by the City Council as the appeal board.
6. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, which structure is 200 square feet or larger.
7. Daytime: The hours between 6:00 AM and 10:00 PM.
8. Driveway: a surface of concrete, asphalt, gravel or other hard material, which is used to park a vehicle or for vehicular access to a garage or parking area.
9. Graffiti: Writing or drawings scribbled, scratched, marked, Painted, or sprayed illicitly on a wall, fence, or any other surface without permission of the owner of such property.
10. Nighttime: The hours between 10:00 PM and 6:00 AM.
11. Excessive Noise or Sound: Any loud, prolonged, or unusual man-made noises that unreasonably disrupt, based on the time, place, or use creating the noise, the peace, comfort, convenience, safety, welfare, or health of the community shall be prohibited. This definition does not encompass natural animal noises from livestock or agricultural animals, nor does it include human speech by residents unless amplified with a man-made device in violation of this section.
12. "Noise Level" means the level of sound measured over a period of not less than 10 minutes.
 - a. "Tenth Percentile Noise Level" means the A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period, such as the level that is exceeded for 1 minute in a 10-minute period.
 - b. "Ninetieth Percentile Noise Level" means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period, such as the level that is exceeded for 9 minutes in a 10-minute period.
13. "Nuisance" means those conditions or acts described in Section 2 of this ordinance.
14. Owner: Any person who alone or jointly and severally with others has legal title to any premise, dwelling, or dwelling unit or has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, or is an executor, administrator, representative, trustee, or guardian of the estate of the owner.
15. Person: any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau, or agency thereof, municipal corporation, county, city, or any legal entity recognized by the law.
16. Public view: Visible from or while an individual is standing on the ground of any public right of way or other public property.
17. Receiving property: Any primary structure on a property, including an individual unit of a multi-dwelling or multi-use property, that is adversely affected by noise transmitted by another property or from another unit within the same multi-dwelling or multi-use property.
18. Structure: Anything constructed or erected which requires location on the ground, but not including a tent or automobile, and which is 200 square feet or larger.

19. Type A Property: A property used solely for residential purposes.
20. Type B Property: A property used for any other use allowed in the city, including but not limited to, agriculture, retail, offices, repair, restaurants, gasoline stations, and more.
21. Unsheltered: Not contained within a building or structure, including the primary building or an accessory building, or can be seen from public view.
22. Weekend: Friday and Saturday, and until 10:00 PM on Sunday
23. Yard - Front: The portion of a lot or parcel facing or fronting a street within the required setback area.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.2 General Nuisances Defined And Enumerated

1. Statement: Every act or condition made, permitted, allowed or continued in violation of this Ordinance, is hereby declared to be a nuisance and may be abated and remedied as hereinafter provided. No person owning, residing or occupying on any property or a person acting as an agent of the property shall allow the creation, support of, continuance of or retention of a nuisance thereon. The owner of the property, regardless of the residency thereof, shall be deemed to be author of a nuisance and shall be responsible to correct the nuisance and be responsible for the abatement thereof, enforcement of this ordinance, and the city's costs related thereto. Every successive owner of property or premises' where a nuisance was caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.
2. Nuisances Generally: A nuisance regulated and prohibited by this Ordinance shall include each of the following, and all other nuisances described below and further defined throughout this ordinance:
 - a. Nuisances as defined in Utah Code Annotated sections 78B-6-1101, 76-10-801, 76-10-803, 10-11-1, as amended.
 - b. Any item, thing, manner, or condition whatsoever that is dangerous to human life or health, deleterious, injurious, noxious, and whatever renders soil, air, water, or food impure or unwholesome, which includes but is not limited to conditions described in this chapter.
 - c. Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - d. Unlawfully doing any act or omitting to perform any duty, which act or omission:
 - i. Offends public decency of three (3) or more persons who are not related or living in the same residence.
 - ii. Annoys, injures, or endangers the comfort, repose, health, or safety of three (3) or more persons who are not related or living in the same residence.
 - iii. In any way renders three (3) or more persons who are not related or living in the same residence insecure in life or the use of property; or
 - iv. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, sidewalk, trail, square, street, highway, or other public place.
 - v. Any act which affects three (3) or more persons who are not related or living in the same residence in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage is inflicted on individuals is unequal.
 - vi. The requirement for three (3) or more persons described herein shall not restrict or limit the enforcement of state criminal laws.
 - e. A condition which:
 - i. Wrongfully injures, or endangers the comfort, repose, health or safety of others; or
 - ii. Unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, sidewalk, trail, street or highway, or any other public place; or
 - iii. In any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.
 - f. Specific Nuisances: Anything specifically listed as a nuisance in this ordinance.
3. Specified: Nuisances include, but are not limited to:
 - a. Gambling: Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in title 76, chapter 10, part 11, Utah Code Annotated (gambling).

- b. Drug Houses: Every building or premises where the unlawful sale, manufacture, service, distribution, storage, dispensing, or acquisition of any controlled substance, precursor, or analog specified in title 58, chapter 3 7, Utah Code Annotated (Utah controlled substance act) occurs.
- c. Gangs: Every building or premises wherein criminal activity is committed in concert with two (2) or more persons as provided in section 76-3-203.1, Utah Code Annotated.
- d. Party Houses: Every building or premises where parties in violation of other nuisances have been documented to occur frequently which create the conditions of a nuisance as defined.
- e. Prostitution: Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in title 76, chapter 10, part 13 (prostitution), of the Utah Code Annotated
- f. Animal Carcasses: Carcasses of animals not buried or destroyed within seventy-two (72) hours after death.
- g. Burning without a permit when required by city ordinance or the North Tooele Fire District.
- h. Impairing, impacting, impeding, blocking or preventing access to a city easement.
- i. Befouling Water: Befouling water in any spring, stream, well, or water source supplying water for culinary purposes. Includes connections between secondary water systems or sewer systems and culinary water systems and other cross-contamination of culinary water systems.
- j. Septic Tanks, Privies, Cesspools: Allowing any privy vault, septic tank, cesspool, or other individual wastewater disposal system, to become a menace to health or a source of odor or contamination to air or water, or to be used and constructed in violation of health and safety regulations. Includes neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults, septic tanks, and cesspools or other individual wastewater disposal systems when no longer in use or when required to be discontinued.
- k. Stagnant Water; Offensive Substances: Permitting any lot or excavation to become a non-natural repository of stagnant water or any decaying or offensive substances if such water or substance poses a threat to the health of persons or property.
- l. Restrooms or Sewer facilities. Failing to construct or maintain any restroom, sanitation, or sewer facilities in accordance with Utah law and city ordinances.
- m. Garbage Containers: Permitting any garbage container that has become unclean and offensive to remain on the premises without disposal of the waste contents it holds.
- n. Garbage Accumulation: Allowing garbage, litter, filth or refuse of any nature to accumulate within or upon any public property, private alley, yard, or area, except when it is temporarily deposited for immediate removal, contained within appropriate garbage containers for future removal, or being composted or otherwise used for beneficial purposes.
- o. Slaughterhouses, Feed Yards, Food Sales: Permitting any slaughterhouse, market, meat or food shop, stable, feed yard or other place or building wherein any animals or animal parts are slaughtered, kept, stored, fed, or sold, or wherein any other food product is prepared, kept, or sold, to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
- p. Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive liquid or semi-liquid substance, including secondary or contaminated water, chemical spray, grease, oil, hazardous material, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge as environmental hazard.
- q. Obstructing Public Ways or Property: Obstructing or tending to obstruct or interfere with or render dangerous for passage any public street, sidewalk, trail, utility line or connection, or any public park without written authorization of the city council.
- r. Rechanneling or Obstruction of Watercourse. It shall be unlawful for any person to permit or to authorize any lake, stream, drainage system or facility, canal, basin, drainage system, stormwater system, pond, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, to be diverted, removed, rechanneled, piped, or drained onto other property without appropriate authorization, or to become unsanitary. Includes filling in, modifying, or removing any stormwater pond, swale, detention basin, or retention basin, whether owned by the city or privately owned and required as part of a private development, without written authorization of the city council.
- s. Dead or Diseased Trees: Any dead tree which constitutes a hazard to life and property of another. any diseased trees which, after inspection by a certified arborist, are determined to be a risk to the health and welfare of other property owners' or public trees.

- t. Abandoned Structure: That have a foundation, exterior wall, and/or roof not maintained in good repair, that have not been constructed according to applicable building, fire, and other construction codes, or have been rendered unsafe to occupants or other persons by geologic hazards, flooding, or other weather or natural conditions, and which have not been reasonably secured against injury to another, such as by a barrier. This includes broken windows and surfaces which are not painted, stained, or constructed of decay-resistant materials to protect and preserve the safety and appearance of the structure. Structures which are under active construction are not considered unmaintained. Active construction shall be allowed for up to 18 months or while a valid building permit has been issued for the property, whichever is longer.
- u. Improper Buildings and Structures: Buildings and structures that have been constructed in violation of state construction codes of Lake Point city ordinances and regulations, including permit requirements, setback requirements, conservation restrictions, no-build zones, public utility and other easements, or plat restrictions.
- v. Graffiti: Graffiti which remains on the exterior of any building, fence, wall, sign, or other structure and which is visible from public view.
- w. Trash and Debris Storage: It shall be unlawful to permit or allow storage of trash and debris as outlined herein.
 - i. No property shall be used for the permanent disposal of trash or garbage in Lake Point City unless the site is specifically zones and permitted under Utah law for the disposal of solid waste.
 - ii. It is a nuisance for any owner of property or building permit holder to allow trash or debris to spill or be blown by the wind from the construction, storage areas or other trash container and/or to cause litter to the property of others or to the public property.
 - iii. It is a nuisance for any property owner, building permit holder, or other person working within or occupying an open or vacant lot or construction site to keep or store demolition debris, construction debris, garbage or trash, used materials, junk, household furniture, appliances, scrap material, equipment or parts thereof on the property in other than a trash container or other appropriate storage container that is capable of being secured against vandalism, wind, or other disturbance which may cause the container to spill or otherwise discharge its contents.
- 4. Exemptions from nuisance: The following shall be exempt from and shall not be considered a nuisance unless otherwise stated.
 - a. Agricultural Operations: No public nuisance definition or prohibition shall include any agricultural activity or operation conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety or violates another city ordinance, state law or federal law.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.3 Noise Nuisance

1. Noise. The making and creation of unreasonable unnatural man-made noise, as set forth below, is hereby declared to be a public nuisance and may be abated, regulated, and controlled as such.
2. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any unnatural manmade noise source so as to exceed the allowable Ninetieth Percentile Noise Level for the type of property from which the noise emits, when measured within the primary building of the receiving property.
 - a. Type A Property:
 - i. Daytime: 65 dBA.
 - ii. Nighttime: 50 dBA.
 - b. Type B Property:
 - i. Daytime: 70 dBA.
 - ii. Nighttime: 60 dBA.
3. Additional Regulations:
 - a. On weekends, the normal Daytime hours are extended until 11:00 PM unless otherwise identified.
 - b. The maximum sound levels are reduced by 5 dBA for stationary sources of sound that emit continuous sounds that continue for at least 10 minutes or more, pure tones of a consistent pitch, or repetitive or impulse sounds that result in similar noise levels at reasonably uniform intervals of time.
 - c. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary source of sound that creates a tenth percentile sound pressure level greater than 15 dBA above the ambient sound pressure level of any measurement period.

4. Exceptions: The following shall be exempt from the noise regulations of this section:
- a. Agricultural operations, including agricultural equipment and livestock kept as part of an agricultural operation.
 - b. Emergency events, equipment, and vehicles.
 - c. Commercial or personal emergency power generators operating during power failure or outage.
 - d. Fireworks and explosives in accordance with state and local regulations.
 - e. Heating, Ventilation, and Air Conditioning (HVAC) systems, if the system is in good repair and operating within manufacturer's specifications.
 - f. City, school, or other governmental approved events, within the parameters of such approvals.
 - g. Snow removal equipment.
 - h. Temporary or short-term use of equipment or machinery for construction, maintenance, landscaping, well-drilling, or cleaning during daytime hours.
 - i. Other temporary exceptions may be granted with the approval of the City. In granting exceptions, the City shall strive to limit the amount of noise generated or allowed during nighttime hours.
 - j. State & Federal Holidays or City Events until midnight excluding New Year's Eve which shall be allowed to 3 minutes after midnight the day of the event.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.4 Compliance

1. Established: There is hereby established the position of compliance officer, whose duties shall be to assist with the voluntary correction of nuisances and carry out the provisions of this chapter. Such person may be the city council, the city's law enforcement agency, or such other person appointed by the city council.
2. Duties: The compliance officer, the city council, the city's law enforcement agency or other person appointed by the city council is authorized to:
 - a. Perform all functions necessary to carry out and enforce the provisions of this Ordinance.
 - b. Upon receipt of a complain in accordance with this section, inspect or cause to be inspected, as needed and subject to the restrictions of this Ordinance, all buildings, structures, lots, parcels, or other places for the purpose of determining whether such comply with the provisions of this Ordinance.
 - c. Issue violation informational notices, preparing and approving voluntary correction agreements, issue formal written violations and administrative citations, and assist with hearings and other proceedings as required by this Ordinance as outlined by the procedures herein.
3. Limitation on Authority: The compliance officer shall not be authorized to abate conditions solely associated with the interior of a structure, unless required for the demolition and removal of the structure or to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.
4. A City Council appointed compliance officer shall not patrol for nuisance violations. This restriction shall not prevent an officer from investigating or reporting to the City Council, law enforcement, or building official a nuisance or other condition that constitutes a reasonably imminent threat to the health, safety, or welfare of the people, criminal activity, or violations of building and fire code.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.5 Abatement Procedure

1. Policy Statement: It is the declared policy of Lake Point that the correction, removal, and remedying of nuisances should be pursued on a voluntary basis by the resident or owner of the property. It is further declared that the enforcement and abatement procedures described in this Ordinance shall only be pursued after the owner has been given notice and a reasonable opportunity to correct the nuisance voluntarily.

The compliance officer will generally only investigate a nuisance on private property if the City Council or other City Personnel has received a complaint from three (3) or more persons regarding the same nuisance.

Nothing in this Ordinance shall restrict the compliance officer or other authorized persons from investigating and correcting 1) nuisances on public property; 2) nuisances on private property that the compliance officer has determined to be primarily a health or safety hazard that is reasonably imminent; or 3) the enforcement of building, fire, and construction codes and standards. In addition, this section shall not preclude the City Council, the city's building official, or the city's law enforcement agency from investigating a nuisance violation in their discretion if there is a potential health, safety, or welfare issue or potential violations of state or federal criminal law. In such circumstances, the violation can be mitigated immediately without the submission of three (3) call-in or written complaints per subsection 2.

2. Receipt of a Nuisance Complaint - When three (3) or more people who are not related to each other or living in the same residence submit one or more written or call-in nuisance complaints documents by Lake Point City staff regarding a nuisance within a six (6) month period, the complaints will be reviewed to determine the proper party to handle the complaints. The building inspectors, the city's law enforcement agency, the city council or the city's appointed compliance officer will be assigned the complaint. If a city council member is one of the people who files a complaint, that city council member shall not be assigned to investigate the complaint.
3. Inspection: Upon finding a potential nuisance, or upon receipt of a complaint regarding a potential nuisance, the assigned compliance officer may conduct an inspection to verify the potential nuisance. Inspections shall only be conducted from public property or upon or within private property with the property owner's or property resident's permission. The inspection will only be of the specific complaint and location identified in the complaints. No other violations or potential violations observed by the compliance officer in the process or correcting the identified nuisance or while traveling in the city will be addressed without meeting the compliant requirement or exceptions thereto described in subsection 1. This restriction on investigations shall not waive the city's right to later investigate and correct other conditions and nuisances associated with the subject property in accordance with the processes set forth herein. This inspection process and restrictions thereon shall not apply to investigations or inspections related to criminal matters or enforcement of building, fire, and construction codes or public health and safety matters.
4. Existence Of Objectionable Condition: If the compliance officer concludes after inspection that there exists an objectionable condition or nuisance in violation of this ordinance, the compliance officer shall ascertain the names, address, and other contact information of the author of the nuisance and descriptions of the premises where such objects and/or conditions constituting a nuisance exist and shall proceed to resolve, correct, and abate the condition and nuisance in accordance with the process set forth herein.
5. Voluntary Corrections: The terms of this section shall apply whenever the compliance officer determines that a nuisance exists. This section does not include nuisance violations where there is a violation of state or federal criminal law, and the process in this subsection (5) does not need to be followed for criminal law enforcement, noise nuisances, or enforcement of building, fire, and construction codes and standards.
 - a. Contact: Before taking other steps to abate the nuisance the compliance officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:
 - i. Contacting the responsible party, where possible
 - ii. Explaining the nuisance
 - iii. Requesting the responsible person to abate the nuisance: and
 - iv. Verbally setting a deadline for compliance and other terms necessary to abate the nuisance.
 - v. The compliance officer shall make a written report of their actions and communications, including the deadline and other terms for the voluntary abatement of the nuisance.
 - b. Voluntary Correction Agreement - If the nuisance is not corrected after a reasonable time, not less than fourteen (24) days after the initial contract, the compliance officer may request that the responsible person agree to a deadline and terms for abating the nuisance by entering into and signing a voluntary correction agreement. The voluntary correction agreement is a contract between the city and the responsible person in which the responsible person agrees to abate the nuisance within a specified time and according to specified conditions. The voluntary correction agreement shall include the following terms:
 - i. The name and address of the responsible party.
 - ii. The street address of the nuisance, or a description sufficient to identify the building structure, premises, or land upon which the nuisance is occurring.
 - iii. A description of the nuisance.
 - iv. The necessary corrective action to be taken, and a date or time by which correction must be completed.

- v. An agreement by the responsible person that designates agents of Lake Point may periodically inspect the premises as may be necessary to determine compliance with the voluntary correction agreement.
 - vi. An agreement by the responsible person that Lake Point may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this chapter from the responsible person, should the responsible person fail to comply with all of the terms of the voluntary correction agreement.
 - vii. An agreement by the responsible person acknowledging that he/she waives the right to appeal the compliance officer's finding that a nuisance exists and waives the right to appeal the specific corrective action required in the voluntary correction agreement; and
 - viii. An agreement by the responsible person that failure to comply with the voluntary correction agreement may be ground for additional abatement actions.
- c. No Agreement: If the compliance officer determines that a nuisance exists, and the compliance officer is unable to secure a voluntary agreement, including when the responsible person cannot agree on a deadline for compliance or other necessary terms for correcting or abating the nuisance, the compliance officer may proceed to abate the nuisance using one or more of the procedures set forth in this chapter or in state or federal law.
6. Notice: Notice of a nuisance shall be in writing on the Lake Point Nuisance Violation Notice form and will be served upon the owner as well as the resident of the premises, if different from the owner. Notice shall be served personally and by mailing notice prepaid, addressed to the person or property at their last known post office address as disclosed by the records of the county assessor, or as otherwise ascertained. Such notice shall be signed by the investigating compliance officer under penalty of perjury and shall include the following:
- a. A specific statement of the nature of the violation, a copy or reference to the applicable law, regulation, or ordinance, and a description of the premises on which the violation exists.
 - b. Any photos of the violation if available.
 - c. A requirement that the owner remove the nuisance within such time as the compliance officer or city council may designate; provided, that any person notified pursuant to this subsection shall be given at least twenty days (20), but not more than thirty (30) days to remediate any nuisance. This section does not apply to a noise nuisance, threat to public safety or health or violation of state or federal criminal code, as determined by the compliance officer or city council. Noise nuisance, threat to public safety or health or violation of state criminal code nuisances must be immediately removed or corrected following the date of service of such notice to correct the objectionable condition.
 - i. Extensions may be granted for a period of thirty (30) additional days, but the total extensions may not exceed three (3) total 30-day extensions, for a total extension of up to ninety (90) days total for correction unless otherwise stated in this ordinance. Extensions will only be granted upon written request from the owner and upon a finding that the owner is in the process of correcting or removing the nuisance, but that due to the nature of the nuisance or due to circumstances outside of the owner's control, additional time is necessary to complete the correction or removal.
 - ii. The compliance officer or a majority vote of the city council may grant an extension of the time limit for correcting or abating the nuisance if the responsible person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unpractical. If the responsible person complies with the terms of the voluntary correction agreement, Lake Point shall stay further enforcement action against the responsible person related to the nuisance described in the voluntary correction agreement unless the nuisance occurs again, or progress is no longer being made towards resolution in a 30-day period. The city may require the execution or written amendment, as applicable, of a voluntary correction agreement for such additional extensions.
 - d. Inform the person of their right to appeal, as described herein:
 - i. The person shall be informed that in the event they disagree with the determination of the compliance officer, or if they object to the factual or legal basis for the notice, they must request, in writing, an informal hearing before the appeal board.
 - ii. The person shall be informed that the appeal must be applied for within twenty-one (21) calendar days the date the notice of objectionable condition was certified mailed or otherwise served, and that the appeal must contain a summary or copy of all evidence, claims, and objections the owner intends to raise.
 - e. Inform the owner of the potential penalties for failing to correct the nuisance, including abatement, collection costs, correction costs, civil penalties, and other remedies.
7. Administrative Citation: When the compliance officer determines that a nuisance exists, and is unable to secure a voluntary correction, the compliance officer may issue an administrative citation to the responsible person.

- a. The compliance officer may issue an administrative citation, without having attempted to secure a voluntary correction under the following circumstances:
 - i. When an emergency exists.
 - ii. After authorization from the City Council by a vote of the majority when the compliance officer is unable to locate or determine the identify of the responsible person.
- b. Content Of Administrative Citation: The administrative citation shall include the following:
 - i. The name and address of the responsible person; and
 - ii. The street address of the nuisance or a description sufficient for identifying the building, structure, premises, or land upon or within which the nuisance is occurring; and
 - iii. A description of the nuisance; and
 - iv. The required corrective action; and
 - v. The completion date and notice that the city may abate the nuisance and charge the responsible person for all abatement costs if the responsible person does not correct the nuisance before the completion date; and
 - vi. The time for appealing the administrative citation and the procedure for filing an appeal.
 - vii. A statement indicating that no monetary fine will be assessed if the compliance officer approves the completed, required corrective action prior to the completion date; and
 - viii. A statement that Lake Point may abate the nuisance and assess costs and expenses of abatement and a monetary fine against the responsible person if the correction is not completed by the responsible person and approved by the compliance officer before the completion date.
- c. Service of Administrative Citation: The compliance officer shall serve the administrative citation upon the responsible person, either personally or by mailing, certified, return receipt requested, a copy of the administrative citation to the responsible person at his/her last known address. If the responsible person cannot after due diligence be personally served within Lake Point and if an address for mailed service cannot after due diligence be obtained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.
- d. No Extension: No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by the city council by vote of majority.
8. Nuisances Involving Violation of State or Federal Criminal Laws: for nuisances related to criminal matters, the city may proceed to the nuisance notice, citation, and abatement procedures without need for completing the voluntary correction procedures set forth herein.
9. Hazardous Materials: For any notice of nuisance requiring the removal or correction of hazardous materials, the owner shall have at least 180 days from the date of the notice to remove or correct the nuisance or to appeal the notice.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.6 Appeal Hearing

1. Grounds for Appeal: Any person receiving an administrative citation may appeal the administrative citation to the appeal board. Only the following issues may be appealed:
 - a. The person charged in the administrative citation as the author of the nuisance and person responsible therefor is not the author or responsible person.
 - b. The condition described as a nuisance in the administrative citation is not a "nuisance" as defined by this chapter.
 - c. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost-effective method or effectively correcting or abating the nuisance.
 - d. The time period give to abate the nuisance in the administrative citation is unreasonable.
 - e. The monetary fine set forth in the administrative citation is unreasonable.
 - f. The Compliance Officer refused to approve a corrective action that met the requirements of the administrative citation.
 - g. The responsible person claims that the requirements of the abatement action violate their constitutional rights.

2. Stay on Appeal: The filing of a written application for an appeal hearing and the payment of the appeal fee shall stay the time within which the person must conform to the provisions of the notice.
3. Fee: To file an appeal, the owner shall pay a fee set by the city council, which fee shall be refundable in the event that the appeal board overrules the determination of the compliance officer in its entirety. The appeal board shall set the time and place for the appeal hearing, and the city recorder shall notify the appellant, in writing, of the time and place at which they may appear and be heard. The hearing shall be heard within twenty (20) days from the date the hearing notice was issued unless another time is agreed upon by the parties.
4. Conflict: A member of the appeal shall be required to recuse and not participate in an appeal hearing if the appeal concerns or substantially affects the member's personal economic interest, the member's property, or a family member of the member.
5. Informal Hearing; Written Decision: The appeal board shall conduct all appeals in accordance with this ordinance.
 - a. The appeal shall be informal and shall be conducted to protect the due process rights of all parties.
 - b. Unless the appellant requests otherwise, the hearing shall be open to the public but shall not be open to public comment.
 - c. The city compliance officer, in advance of the hearing, will provide all evidence of abatement actions, notices, statement, complaints and other information necessary for the appeal board to understand the actions taken against the appealing party and provide a copy of all such evidence to the appellant.
 - d. The appellant may present such evidence and argument as is pertinent to the question of whether the conditions constitute a nuisance and whether the removal or abatement of the objects, structures, or conditions is properly within the purview of this Ordinance. The appellant may be represented by legal counsel and may call witnesses. Failure to present any evidence, objection, or claim shall waive the owner's right to have the same be considered by the appeal board or any other reviewing entity. Neither the appeal board nor a court reviewing the proceedings or decision shall consider evidence or arguments that were not presented to the appeal board.
 - e. The appeal board shall also permit the presentation of evidence and argument by the compliance officer and other appropriate city representatives.
 - f. Burden Of Proof: The appellant shall have the burden of proof to demonstrate by a preponderance of the evidence that he/she had legitimate grounds for an appeal. The determination of the compliance officer as to the need for the required corrective action shall be accorded substantial weight by the hearing officer in determining the reasonableness of the corrective action.
6. Decision and Notice.
 - a. Within a reasonable time after conducting the appeal hearing, the appeal board shall issue a written decision affirming, reversing, or modifying the decision of the compliance officer in any manner that the appeal board finds appropriate. If the appeal board modifies the decision of the compliance officer, the decision shall specify which portions are modified and how they are modified. The appeal board shall include such findings of fact and conclusions of law as are necessary to support its decision.
 - b. The written decision shall be served on the appellant in the same manner as the notice of violation or nuisance.
7. Time Period of Compliance:
 - a. In the event the decision of the appeal board appeal officer upholds the determination of the compliance officer of the city's law enforcement agency, the notice originally given by the compliance officer or the city's law enforcement agency as above provided shall be deemed to be sufficient to require the owner to remove or abate the nuisance, and they shall have up to thirty (30) days from the date of notice of the decision within which to conform thereto, unless additional time, according to the extension procedures set forth herein, is authorized by the compliance officer or appeal board.
 - b. Time Period for Compliance: In the event that the decision of the appeal board either overrules or modifies the determination of the compliance officer, the written decision of the administrative appeal officer shall apprise the owner of that fact and set forth the details and extent to which the owner must make removal or other abatement of the objectionable objects or conditions, if any. The owner shall be required to conform to the decision within thirty (30) days after service or receiving a mailed copy of the decision unless additional time, according to the extension procedures set forth herein, is authorized by the compliance officer of appeal board.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.7 Failure To Comply, Abatement By City

1. Abatement.

- a. If any person described in such voluntary agreement, formal notice, administrative citation or appeal decision shall fail or neglect to conform to the requirements thereof relating to the abatement of the nuisance, the compliance officer under approval of the city council by majority vote may employ all necessary assistance to cause the nuisance to be removed or destroyed at the expense of the city, subject to reimbursement and collection of such costs from the owner.
 - b. Emergency Abatement. Whenever a nuisance is occurring which constitutes an immediate and emergency threat to the public health, safety or welfare of persons or the environment, the city may summarily and without prior notice, abate the condition. Notice of such abatement, including the reason for it, shall be given to the responsible person as soon as reasonably possible after the abatement. The city may abate the nuisance using any lawful means, and the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.
 - c. Costs for Abatement. The costs, including incidental expenses, or correcting or abating the violation shall be billed to the responsible person and/or the owner, lessor, or agent entitled to control, use and/or occupy the property and shall become due and payable to Lake Point within ten (10) days of actual receipt of the bill or within fifteen (15) days of the mailing date if the bill is mailed. The term "incidental expenses" includes, but is not limited to:
 - i. Personnel costs, both direct and indirect, including attorney fees and costs.
 - ii. Costs incurred in documenting the violation.
 - iii. Hauling, storage and disposal expenses.
 - iv. Actual expenses and costs for the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
 - v. The costs of any required printing and mailing.
 - d. Itemized Statement: The compliance officer shall prepare an itemized statement of all expenses incurred in the abatement of nuisances, including administrative, personnel, and legal costs, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by hand delivery and registered mail, addressed to the property on which the nuisance exists, the address of record with county land records for the owner or the property, or last known address of the property owner, occupant or persons having an interest in the property if different from the above.
 - e. Failure To Make Payment: In the event the owner fails to make payment of the amount set forth in the statement to the city treasurer within the thirty (30) days, the compliance officer with approval from the majority of the city council or the city's law enforcement agency may either cause suit to be brought in an appropriate court of law, may assign its right to enforce and collect such expenses to a collection agency or other entity for collection, which entity shall have the same right to collect as if they were the city, or may refer the matter to the city treasurer as provided by state law.
2. Civil Penalty. A civil penalty may also be imposed, pursuant to administrative proceedings conducted by the city. The penalty amount shall not be greater than the fine that would apply were the violation prosecuted as a criminal matter. The pursuit of criminal penalties shall not restrict or prohibit the pursuit of civil penalties or other remedies, and vice versa.
- a. Monetary Fine: The responsible person shall pay the city a monetary fine for each thirty (30) day period the nuisance continues after the stated completion date on any formal notice issued. The nuisance shall be considered to continue until the compliance officer or city council by majority vote approves the responsible person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:
 - i. One hundred dollars (\$100.00) per thirty (30) day period while the nuisance remains uncorrected or unabated after the completion date.
 - ii. Two hundred dollars (\$200.00) per each additional thirty (30) day period thereafter until the nuisance is corrected or abated according to the terms set forth in the agreement, notice or appeal decision.
 - b. The monetary fine shall be cumulative and may not be waived by the building official, sheriff, or compliance officer. It may be waived by the city council by a majority vote in favor.
 - c. Payment of a monetary fine pursuant to this section does not relieve the responsible person from the duty to abate the nuisance as required by the voluntary consent agreement, formal notice, administrative citation or appeal denial. The monetary fine constitutes a personal obligation of the responsible person. Any monetary fine assess must be paid to the city within ten (10) calendar days from the date of mailing of the decision and order or a notice from the city that penalties are due. The city attorney or their designee is authorized to take appropriate action to collection the monetary fine, plus reasonable attorney fees and costs incurred in collecting said monetary fine.
3. Other Remedies. The city may also enforce the provisions of this Ordinance by any other remedy available at law, including injunctions, mandamus, abatement, and proceedings to prevent, enjoin, abate, or remove the unlawful buildings, use, or act.

4. The city may also enforce the provisions of this Ordinance by withholding a building permit or certificate of occupancy, to the extent permitted by state law.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.8 Civil Actions

1. Either the city or any private person directly affected by a nuisance impacting their personal property may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). Civil action may be brought pursuant to this Ordinance or pursuant to state law.
2. Nothing herein shall restrict the right of a person to pursue remedies to prevent or stop harassment and false and repeated complaints that have been found to be unfounded by the city council. This section shall not waive or modify the rights of Lake Point to investigate and pursue correction of any nuisance or other civil or criminal matter, nor shall this waive or modify any immunity or other protection held by Lake Point and its officers, agents, representatives, and employees related to the filing of charges and other process, the abatement of nuisances and procedures related thereto, and the prosecution of administrative, civil, and criminal actions.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

6.1.9 Complaints And Complainants

1. The identify of complainants shall be kept confidential. Records that, together or separately, could identify a complainant are classified as non-public, private and protected records under the Utah Government Records Access and Management Act. Disclosure of such records and information shall be made only pursuant to a court order or as otherwise required by governing law. The complainant may waive confidentiality and shall be deemed to waive confidentiality if the complainant discusses the complaint with other residents or parties outside the city representatives involved in resolving the complaint, or if the complainant elects to participate in enforcement proceedings beyond the filing of a complaint.
2. A person alleged to have violated this Ordinance may be informed as to whether a complaint was filed and the general nature of the complaint.
3. Enforcement of nuisances shall be based on the information and evidence gathered by the city and shall not be based on a complaint or evidence provided by a complainant unless the complainant elects to participate in enforcement proceedings as a witness or in other capacities.
4. Neither complainants nor other members of the public shall be entitled to enforcement or prosecution of a particular complaint or nuisance or to receive information regarding the status of compliance and enforcement efforts.

HISTORY:

Ord. No. 2023-16, [11/1/2023](#)

7 Public Safety

7.1 Utah Criminal Code

7.1.1 Adoption

The Utah Criminal Code, as set forth in Title 76 of the Utah Code, is adopted as the Lake Point Criminal Code, subject to the following:

1. Where a citation, information, or complaint is issued under the Utah Criminal Code, as adopted by this section it shall be sufficient to use the section number of the Utah Code to designate the section number of the City code which has been violated.
2. Those portions of the Utah Criminal code, as adopted herein referring to or dealing with felonies, or punishments associated with felonies, and those portions of the Utah Criminal Code, as adopted herein, referring to or dealing with Class A misdemeanors, which are not subject to enforcement by the City, along with such other matters as can apply only to the State of Utah and cannot reasonably apply to Lake Point, are specifically excepted and are not part of this code.
3. Where required, for violations that include the possibility of imprisonment, Lake Point shall provide for indigent defense services, as defined and required by Utah Code §78B-22-301 and 78B-22-102.

HISTORY:

Ord. No. [2022-02](#), 12/7/2022

7.1.2 Penalties For Violation

1. Except as otherwise provided herein, the criminal penalty for any violation of a Lake Point ordinance shall be a fine not to exceed the maximum Class B misdemeanor fine under the Utah Criminal Code.
2. Where the Utah Criminal code imposes a criminal penalty of a Class C misdemeanor or an infraction, Lake Point shall impose the same penalty.
3. For violations pertaining to an individual's pet, as defined in Utah Code §4-12-102, or for an individual's use of the individual's residence, the violation shall be an infraction, unless the violation is a nuisance as defined in Utah Code §78B-6-1101 and threatens the health, safety, or welfare of the individual or an identifiable third party.

HISTORY:

Ord. No. [2022-02](#), 12/7/2022

7.2 Use And Ignition Of Fireworks

7.2.1 Firework Regulation

1. At all times, in all areas within Lake Point, the use and discharge of Class C dangerous explosives, as defined by Utah Code §53-7-202, are prohibited, unless the person discharging the firework is a display operator or special effects operator that is licensed by the state or federal government, as appropriate, who obtains a Lake Point fireworks permit and discharges the firework within the times described in subsection 5.
2. At all times, in all areas within Lake Point, the use and discharge of Class C common state approved explosives, as defined by Utah Code §53-7-202, that are hand-held, or that lift or launch into the air, are prohibited, unless the person discharging the firework obtains a Lake Point fireworks permit and discharges the firework within the times described in subsection 5.
3. Within the times described in subsection 5, ground burst or fountain type fireworks may be discharged, provided that such discharge takes place outdoors, on a hard, level, non-flammable surface in a clear and open area, with a minimum ten foot (10') radius clearance from persons, buildings, grass, and other fuel sources.
4. Within the time described in subsection 5, hand-held sparklers may be used.
5. Fireworks shall be ignited only between July 2 and July 5, between July 22 and July 25, between December 29 and December 31, January 1, and Chinese New Year's eve, 11 AM to 11 PM (or midnight on July 4 and July 24, or 1 AM the following day for December 31 and Chinese New Year's eve).

HISTORY:

ORD. NO. [2023-10](#), 5/3/2023

ORD. NO. [2023-17](#), 8/9/2023

7.2.2 Firework Permit

1. Any person desiring a firework permit shall submit such applications, materials, and information, together with the fee set by resolution of the City Council, to the Lake Point recorder.
2. The application shall provide the following information and conditions of approval:
 - a. Site plan. The applicant must provide a description of the area in which the fireworks will be launched, including the minimum distances to adjacent fields, vacant lots, watercourses, ditches, buildings, other fire hazards, and the area for spectators.
 - b. Ignition area. Ignition of aerial fireworks must take place outdoors, on a hard, level, non-flammable surface in a clear and open area, with a minimum clear distance of thirty feet (30') from any structure or vertical obstruction.
 - c. Extinguish. The applicant must provide and maintain means of immediately extinguishing fireworks, sparks, and ignitions.
 - d. Cleanup. All discharged fireworks, ashes, and other remains must be fully extinguished and cooled prior to disposal. No hot ashes or remains may be placed in any waste or disposal container. No duds shall be re-lit, and all duds must be soaked in water for at least one (1) hour prior to disposal.
 - e. Conditions. The applicant cannot discharge a firework if winds, precipitation, or other adverse weather condition exist, and the applicant must postpone or discontinue fireworks discharge until weather conditions improve.
 - f. Liability. The applicant shall be responsible for the safe handling, discharging, igniting, and disposal of all fireworks, and any damage to persons or property caused by the applicant's fireworks.
3. Any firework permit shall require the applicant to comply with the terms and conditions of the permit and this ordinance.
4. Any firework permit may be revoked for failure to comply with the terms of the permit and this Ordinance and shall otherwise expire 30 days from issuance.

HISTORY:

ORD. NO. [2023-10](#), 5/3/2023

ORD. NO. [2023-17](#), 8/9/2023

7.2.3 Authority Having Jurisdiction

Lake Point designates the Authority Having Jurisdiction for this ordinance and related fire code application, as the North Tooele Fire District, provided that nothing herein shall limit Lake Point and its designated law enforcement agency from prosecuting violations of this ordinance.

HISTORY:

ORD. NO. [2023-10](#), 5/3/2023

ORD. NO. [2023-17](#), 8/9/2023

7.2.4 Violations

The discharge of any firework in violation of this ordinance or any permit issued hereunder, including the discharge of improper fireworks or the improper location of the discharge of otherwise proper fireworks, is prohibited and constitutes an infraction.

HISTORY:

ORD. NO. [2023-10](#), 5/3/2023

ORD. NO. [2023-17](#), 8/9/2023

7.3A General Provisions

7.3A.1 Findings And Purpose

1. The Lake Point Council finds that existing and increasing threats of the occurrence of destructive disasters resulting from attack, internal disturbance, natural phenomenon or technological hazard could greatly affect the health, safety, and welfare of Lake Point residents. It is therefore necessary to grant emergency disaster authority to the Emergency Manager.
2. The purpose of this ordinance is to assist the Emergency Manager to effectively provide disaster response and recovery assistance necessary to protect the lives and property of Lake Point residents.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3A.2 Definitions

As used in this ordinance:

1. "Act" means the Utah Emergency Management Act, Title 53, Chapter 2a, Utah Code.
2. "Attack" means a nuclear, conventional, biological, or chemical warfare action against the United States of America, the State of Utah, or Lake Point.
3. "Comprehensive Emergency Management Plan" means a formal NIMS-compliance plan that is updated and reviewed on a regular basis and that provided emergency operations procedures to be used during a disaster.
4. "Council" means the Lake Point Council, which is the legislative body of Lake Point.
5. "Council Member" means a member of the Lake Point Council.
6. "County" means Tooele County, Utah.
7. "Declaration Of Emergency" means a formal proclamation or order issued by the Emergency Manager declaring an emergency within the City in accordance with state law.
8. "Disaster" means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property, resulting from attack, internal disturbance, natural phenomenon or technological hazard.
9. "Emergency" means a condition in the City which requires that emergency assistance be provided to save lives and protect property within the City in response to a disaster, or to avoid or reduce the threat of a disaster.
10. "Emergency Manager" means the Lake Point Emergency Manager appointed by the Council, or the designated successor interim emergency manager, with respect to organizing resources and cooperators to prepare for, respond to, recover from, and mitigate the effects of emergencies and disasters.
11. "Emergency Operations Center" or "EOC" means a central command and control facility responsible for carrying out the principals of emergency preparedness and emergency management, or disaster management functions at a strategic level in an emergency, and for ensuring the continuity of City operations.
12. "Incident Command System" means the combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure, with responsibility for the management of assigned resources to effectively accomplish stated objectives pertaining to an incident.
13. "Internal Disturbance" means a riot, jailbreak, terrorism, or strike.
14. "Local Emergency" means those emergencies specified in state law, including but not limited to the Act.
15. "Mutual Aid Agreement" means an interlocal cooperation agreement between governmental entities entered pursuant to state law for the purpose of providing aid or assistance during a disaster or emergency.
16. "Natural Phenomenon" means any earthquake, tornado, storm, flood, landslide, avalanche, forest or wildfire, drought, epidemic, pestilence, or other natural disaster.
17. "Technological Hazard" means any hazardous materials accident, mine accident, train derailment, tuck wreck, air crash, radiation incident, pollution, structural fire or explosion.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B Emergency Management

7.3B.1 Adoption Of National Incident Management System

The City hereby adopts the National Incident Management System (NIMS) as promulgated by the homeland security presidential directive (HSPD)-5, management of domestic incidents (October 2017), as amended. All City departments shall utilize NIMS in response to all disasters within the City.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.2 Declaration Of Emergency

1. A declaration of emergency may be issued by the Emergency Manager if the Emergency Manager finds that a disaster has occurred, or the occurrence or threat of a disaster is imminent, in any area of the City in which City government response or recover assistance is required to supplement the response and recovery of any political subdivision of the City. any order or proclamation declaring, continuing, or terminating an emergency shall be filed promptly with the City Recorder.
2. A declaration of emergency shall not be continued or renewed for more than thirty (30) calendar days without the consent of the Council, unless such continuation or renewal is expressly authorized by the Act.
3. All proclamations or orders issued under this chapter shall include the following:
 - a. The nature of the emergency;
 - b. The area or areas affected or threatened; and
 - c. The conditions which caused the emergency.
4. When the Emergency manager issues a declaration of emergency, the City's emergency response shall operate as outlined in the comprehensive emergency management plan. The incident command system shall be utilized.
5. If necessary, the Emergency Manager shall activate the EOC.
6. Notice of the declaration of emergency shall be sent to the State of Utah Division of Emergency Management.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.3 Declaration Of Local Emergency By Other Political Subdivisions

1. A declaration of local emergency by any political subdivision of the State, including the county, which is located, in part or total, within or adjacent to the boundaries of the City is official recognition that a disaster situation exists within the City and provides a legal basis for the Emergency Manager to request and obtain state or federal government disaster assistance or to mobilize and provide City resources to aid the City, the County, or the other affected political subdivision.
2. Notice of any local emergency declared by any political subdivision described in subsection 1 shall be promptly conveyed to the Emergency Manager. Said notice may be conveyed verbally so long as written notification follows within twenty-four (24) hours.
3. The Emergency Manager may provided requested assistance and resources based on an evaluation of the resources utilized by the political subdivision, the sufficiency of the political subdivision's emergency response plan and reserves, and the City's available resources.
4. If the Emergency Manager determines that the City is unable to provide assistance to the political subdivision, the Emergency Manager may issue a declaration of emergency on behalf of the City and forward the same to the State of Utah Division of Emergency Management.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.4 Authority And Duties Of Emergency Manager

1. The Emergency Manager, during a declared emergency, is authorized and empowered to:
 - a. Enact rules and regulations or temporarily suspend ordinances, rules or regulations when necessary to save human life and protect property, for a period not to exceed seven (7) calendar days unless extended by the Council;
 - b. Utilize all available resources as reasonably necessary to cope with the emergency;

- c. Employ measures and give direction to City and local officials and agencies that are reasonable and necessary for the purpose of securing compliance with the provisions of this chapter and with orders, rules, and regulations made pursuant to this chapter;
 - d. Order an evacuation of all or part of the population from any stricken or threatened area within the City, if necessary for the preservation of life;
 - e. In connection with any evacuation, suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles or other hazardous materials, except that the Emergency Manager may not restrict the lawful bearing of firearms;
 - f. Establish curfews for the protection of life and property in the affected areas;
 - g. Establish price freezes to prohibit the practice of price gouging for items in short supply or high demand in the affected areas;
 - h. Establish the rationing of critical supplies necessary to sustain life;
 - i. Approve routes, modes of transportation and destinations in connection with an evacuation;
 - j. Control ingress and egress to and from a disaster area, control the movement of persons within the area, and approve the occupancy or evacuation of premises in a disaster area;
 - k. Clear or remove from publicly or privately owned land or water, debris or wreckage which may threaten public health or public safety; however, where there is not an immediate threat to public health or safety, the Emergency Manager shall not exercise this authority in relation to privately owned land or waters unless:
 - i. The owner authorized the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance of debris or wreckage, and
 - ii. The owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the local and state government entities against any claim arising from such removal;
 - l. Establish temporary shelters for the housing of evacuated persons;
 - m. Invoke the provisions of any mutual aid agreement or compact to which the City is a party;
 - n. Transfer the direction, personnel, or functions of any City department, agency or unit thereof for the purpose of performing or facilitating emergency services;
 - o. Consult with the Council leadership within twelve (12) hours of the declaration of emergency to inform the Council of the nature of the emergency and actions being undertaken in response thereto; and
 - p. Perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population during a declared emergency.
2. The Emergency Manager shall keep the Council reasonably informed as to the scope and duration of the emergency and the plan of operations to cope with the emergency.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.5 Authority Of Sheriff To Order Evacuations

1. The County Sheriff and the chief law enforcement officer of any law enforcement agency created by or contracted with the City is hereby empowered to order an evacuation of all or part of the population from any stricken or threatened area within the City if necessary for the preservation of life.
2. The evacuation may not exceed a period of thirty-six (36) hours without the express written consent of the Emergency Manager.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.6 Role Of Emergency Manager

1. The Emergency Manager shall have the following powers, duties and responsibilities:
 - a. Budgeting, accounting, and documenting all areas pertaining to emergency management, including grants, training, and EOC operations;
 - b. Applying for state and federal emergency management grants and programs;

- c. Coordinating resources that may be utilized during an emergency through mutual aid agreements or other methods;
 - d. Advising the Council on emergency management issues;
 - e. Training City employees, including planning practical exercises and the promotion of continuing emergency management education;
 - f. Drafting the comprehensive emergency management plan and continuity of operations plan for approval by the Council;
 - g. Managing records pertaining to emergencies;
 - h. Issuing an after action report with regard to all emergencies where the EOC has been activated;
 - i. Upon request, assisting political subdivisions within the City in their response to emergency or disaster related events; and
 - j. Maintain City critical communications infrastructure sites and assets.
2. During a declaration of emergency, the emergency manager shall:
- a. Exercise supervisory control over the EOC;
 - b. Coordinate resources from local, state and federal agencies;
 - c. Manage volunteers; and
 - d. Assist the incident commander.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.7 Orders, Rules And Regulations Having Force Of Law

All orders, rules and regulations promulgated by the Emergency Manager shall have the full force and effect of law during the declared emergency, provided a copy thereof is filed with the City Recorder.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.8 Acquisition Of Property For Public Use

1. Upon a declaration of emergency, the Emergency Manager may purchase or lease public or private property for public use including:
 - a. Food;
 - b. Medical supplies;
 - c. Clothing;
 - d. Shelter;
 - e. Means of transportation;
 - f. Fuels and oils; and
 - g. Buildings and land.
2. Such acquisitions may be used for any purpose to meet the needs of an emergency, including use to relieve want, distress, and disease.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3B.9 Emergency Contracts For Repair, Removal Or Construction Projects

In the event of a declaration of emergency, the Emergency Manager may, without obtaining bids or bonds, contract for repairs, construction, removal of debris, or maintenance of public improvements or public improvement projects that may be reasonable and necessary to alleviate the emergency or its consequences, subject to the following:

1. Emergency contracts shall be made with as much competition as practicable under the circumstances; and

2. A written determination of the basis for the emergency, the selection of the particular contract, and the actions of the Emergency manager in entering into the contract shall be submitted to the Council and the City Recorder as soon as reasonably possible thereafter.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3C Emergency Interim Succession Procedures

7.3C.1 Purposes

The purposes of this chapter are to implement the State Emergency Interim Succession Act and to provide for continuity of City government in times of emergency disaster.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3C.2 Definitions

As used in this chapter:

1. "Absent" or "Unavailable" means not being physically present at the place of governance during a disaster or emergency, or not being able to communicate with the place of governance during a disaster or emergency via telephone, radio or other communications device within thirty (30) minutes of an official attempt to communicate.
2. "Available" means being physically present at the place of governance during a disaster or emergency, or being able to communicate with the place of governance during a disaster or emergency via telephone, radio or other telecommunications device.
3. "Emergency Interim Successor" means a person designated by this chapter to exercise the powers and discharge the duties of a City office when the person legally exercising the powers and duties of that office is absent or unavailable.
4. "Local Government Officer" means each City elected official who is required to designate three (3) emergency interim successors.
5. "Official Attempt To Communicate" means any attempt by the County Sheriff's Office, the office of any law enforcement agency created by or contracted with the City, the City emergency management department, or any City elected official to contact a local government officer during a disaster, emergency or local emergency.
6. "Place Of Governance" means the physical location where the powers of City officials are being exercised.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3C.3 Declaration Of Emergency By Emergency Interim Successor

1. If the Emergency Manager is absent or unavailable for the purpose of considering or making a declaration of emergency, then the following City officials or employees shall be contacted in the order listed below, and the first person so contacted shall have the power and duty to issue a declaration of emergency when the circumstances warrant such a declaration:
 - a. City Council chair;
 - b. City Council vice chair;
 - c. Each City Council member not already designated as Emergency Manager, chair, or vice-chair, in descending alphabetical order by last name;
 - d. County Sheriff.
2. If all of the foregoing officials and employees are absent or unavailable, then the emergency succession procedures specified shall apply for the purpose of designating emergency interim successors for the Emergency Manager, Council chair, and Council vice chair.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3C.4 Emergency Interim Succession For City Council

1. If a quorum of the Council is absent or unavailable, any available Council member may act as the Council until such time as three (3) or more Council members are available. If one Council member is available and acting as the Council, the emergency interim successors for the other Council members shall not be called upon and shall not be empowered to exercise the powers or duties of office.
2. If every Council member is absent or unavailable, an emergency interim successor for each Council member shall be contacted and shall exercise the powers and duties of office according to the order of succession specified by that Council member. an emergency interim successor appointed under this section shall exercise the powers and duties of office only until the vacancy is filled pursuant to law, the Council member becomes available, or an emergency interim successor earlier in the order of succession becomes available.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3C.5 Emergency Interim Successor For City Officials

1. By July 1 of each year, each City elected official shall:
 - a. Designate three (3) emergency interim successors;
 - b. Specify their order of succession; and
 - c. Provide a list of those designated successors to the Emergency manager, the Sheriff, and the State of Utah Division of Emergency Management. The list shall remain in effect until revoked or revised in writing by the elected official or until the official no longer holds City office.
2. If any City elected official is unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the elected official.
3. An emergency interim successor shall exercise the powers and duties of office only until the vacancy is filled pursuant to law, the elected official becomes available, or an emergency interim successor earlier in order of succession becomes available.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D Hazardous Materials Local Emergency Planning Committee

7.3D.1 Definitions

As used in this chapter:

1. "LEPC" means the Lake Point Local Emergency Planning Committee.
2. "EPCRA" means the Federal Emergency Planning and Community Right-To-Know Act of 1986.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.2 Committee Created

Lake Point hereby authorizes and established a Lake Point Local Emergency Planning Committee. The LEPC, through the Lake Point Emergency Manager, is hereby authorized to enforce the provisions of this chapter.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.3 Role Of Emergency Manager

The Emergency Manager or his/her designee shall, upon resolution of the LEPC, act as the LEPC's agent for the enforcement, management, and administration of the LEPC's duties set forth under EPCRA.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.4 Emergency Planning And Community Right-To-Know Act

1. The requirements of EPCRA shall be the law of Lake Point and shall apply equally to federal, state, City, or local governmental agencies, departments, installations, and facilities located in this City, as well as to other facilities that are subject to the provisions of EPCRA.
2. The provisions of EPCRA are hereby deemed rules and regulations of the Lake Point Emergency Management Department and the fire department governing the operation of any business that holds a license or permit issued pursuant to Lake Point ordinances.
3. An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions shall be subject to a civil administrative fine not to exceed one thousand dollars (\$1,000.00) per violation. The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the LEPC's or the City's investigative costs, and the cooperation of the owner or operator in remedying the alleged violation.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.5 Notice Of Violation

1. Whenever the LEPC determines that any person or facility is in violation of any applicable emergency plan accepted by or created by the LEPC pursuant to EPCRA, the requirements of EPCRA, or any rules of the LEPC, the LEPC may cause a written notice of violation to be served on the alleged violator.
2. The notice of violation shall:
 - a. Specify the provisions of the emergency plan or law or rule alleged to have been violated;
 - b. Recite the facts alleged to constitute the violation;
 - c. Advise the alleged violator that an administrative hearing will be held to determine if a civil administrative fine should be imposed; and
 - d. Include the time, date, and place of the hearing.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.6 Procedure

1. The LEPC shall appoint an examiner to conduct the hearing.
2. The examiner shall conduct the hearing and shall issue written findings of fact and recommendations to the LEPC, which shall be served on the alleged violator.
3. If the examiner's findings or recommendations are adverse to the alleged violator, the alleged violator may, within fifteen (15) days after the date of the findings and recommendations, submit written objections to the LEPC.
4. The LEPC shall review the examiner's findings and recommendations, as well as any timely objections submitted by the alleged violator, and may adopt, modify or reject the examiner's findings and recommendations. The LEPC shall issue a written order which shall be served on the alleged violator.

5. The alleged violator shall have thirty (30) days from the date of the order in which to seek judicial review in the district court. The alleged violator shall serve a copy of the petition seeking judicial review on the LEPC. The LEPC shall promptly file a complete copy of the record.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.7 Service

The notice of violation, the examiner's findings and recommendations, and the LEPC's order shall be served on the alleged violator and/or record owner of the facility where the violation is alleged to have occurred. Service shall be accomplished by mailing a copy of such document by certified mail, postage prepaid, return receipt requested, to the address of the facility where the violation is alleged to have occurred.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.8 Failure To Pay

If any person fails to pay a civil administrative fine after the time for judicial review has expired or after the court has entered final judgement in favor of the LEPC, the LEPC may request the City Attorney to institute a civil action to collect the civil administrative fine.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

7.3D.9 Enforcement

1. Nothing contained in this chapter shall prohibit the City or LEPC or any other person from initiating suit pursuant to 42 USCS 11045 and 11046 of EPCRA at any time during the pendency of the administrative proceedings authorized by this chapter.
2. The LEPC shall have the authority to enter into an informal settlement agreement with an alleged violator in lieu of seeking a civil administrative fine.

HISTORY:

ORD. NO. [2023-11](#), 5/10/2023

8 Animals

9 Motor Vehicles And Traffic

10 Public Ways And Property

10.1 Protection And Authorized Use Of Public Property And Rights Of Way

10.1.1 Purpose

1. The purpose of the Ordinance is to establish the terms and conditions by which non-city persons and entities may excavate, engage in construction on, in, or under, improve, occupy, and otherwise use public property and rights of way owned or controlled by Lake Point in such a manner as to protect the public and city while facilitating telecommunication, utility, and other similar services to Lake Point residents, in a fair and equitable manner.
2. The city finds that the rights of way within the city are critical to the travel and transport of persons and property in the business and social life of the city, are intended for public uses and must be managed and controlled consistent with that intent, can be partially occupied by the facilities of utilities, telecommunications providers, and other service entities delivering utility and services rendered for profit or not-for-profit, to the enhancement of the health, welfare and general economic well-being of the city and its citizens; and are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation and maintenance in the rights of way.
3. The city finds that the city should receive fair and reasonable compensation for use of the rights of way to offset the burdens and costs to the residents of Lake Point for damage and use of the rights of way.
4. The city finds that while telecommunications systems are in part an extension of interstate commerce, their operations also involve rights of way, municipal franchising and vital business and community service, which are of local concern.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.2 Definitions

The following terms shall have the meanings set forth below for purposes of this Ordinance only:

1. "City": the municipality of Lake Point.
2. "Franchise": The rights and obligations extended by the city to a person to own, lease, construct, maintain, use or operate a utility, telecommunication, internet access service, or other similar system or facility in the rights of way within the boundaries of the city. Any such authorization, in whatever form granted, shall not mean or include:
 - a. Any other permit or authorization required for the privilege of transacting and carrying on a business within the city required by the ordinances and laws of the city;
 - b. any other permit, agreement or authorization required in conjunction with operations on rights of way or public property, including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the city or a private entity, or for excavating or performing other work in or along the rights of way.
3. "Franchise Agreement": A contract entered into, regardless of the form of such contract, in accordance with the provisions of this ordinance between the city and a person desiring to use the rights of way that sets forth, subject to this ordinance, the terms and conditions under which a franchise will be granted to and exercised by the franchisee.
4. "Park Strip": The area within a right of way between private property and the closer of the shoulder, curb, or gutter of the right of way. Includes the area between a sidewalk and the shoulder, curb, or gutter of the right of way, and includes barrel pits, swales, and other features designed to manage or provide for safety, drainage, and/or the protection of the right of way and adjacent property.
5. "Permit": A permit, license, or other grant of authority issued in writing by the city that authorizes a particular scope of work within the rights of way, which scope may be defined and limited in the permit by location, duration, work site restoration requirements, and other conditions necessary to protect public or private property and rights of way.
6. "Person": Any individual, business, company, corporation, firm, partnership, venture, or other entity of any kind, including state, federal, local school, interlocal, and other governmental or public entities.
7. "Public Property": Any real property, any interest in real property, and all appurtenances and improvements thereto, owned or controlled by the city, other than rights of way.

8. "Rights of Way": The surface of and the space above and below any public street, sidewalk, park strip, alley or other public way of any type whatsoever, including an unimproved right of way or easement dedicated for use as a public right of way, now or hereafter existing as such within the city, but not including any easement dedicated to or owned by the City that is granted or reserved for the City's exclusive use and not for use by third parties or the public (such as easements for City utility, water, or drainage facilities).
9. "Work site restoration": The restoring and remediation of the original ground or surface area to a condition at least as good as its original state in compliance with engineering regulations and standards, and includes but is not limited to repair, cleanup, backfilling, grading, leveling, vegetating, compaction, stabilization, paving, surfacing, and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.3 Freedom Of Expression

1. Nothing herein shall be construed as a restriction on the use of traditional public fora, including but not limited to sidewalks and parks, subject to reasonable and generally applicable restrictions regarding time, place, and manner of such use.
2. The use of public property and rights of way that are not traditional public fora, such as the portion of a right of way dedicated for use by vehicular traffic and the interior of public buildings, may be authorized on a content-neutral basis, as follows:
 - a. The designation of areas for limited use for expressive activities shall be done by resolution of the council.
 - b. The council may establish restrictions and conditions of the use of such areas in accordance with the requirements and limitations of this section, state law, and constitutional laws.
 - c. Persons seeking to use an area designated for limited use for expressive activities shall first apply for a special event permit authorizing such use for a specified location and time.
 - d. A permit shall be granted to an applicant who agrees to comply with the terms and conditions of this section and the resolution designating the area for limited use for expressive activities. Applicants seeking to use the same area at the same time shall be granted permits on a first-come, first-served basis. In not event shall a permit be denied based on the content or subject of the expression. Requests seeking to use other areas may be submitted.
 - e. A person that is lawfully engaged in expressive activities pursuant to this section shall be exempt from City ordinances related to obstruction of rights of ways or the impeding of traffic.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.4 Permit Required

1. It is unlawful for any person to commence work, excavation, or construction upon or in any right of way until the city has approved and issued a permit for such work, except as specifically approved to the contrary in this Ordinance. Such prohibition includes maintenance, construction, excavation, and improvement work performed by a city other than Lake Point, a county, state, federal, or other governmental entity.
2. Any person desiring to perform work of any kind in a right of way shall make application for a permit, including the payment of such fees as may be established by the city council, which permit shall be in addition to a franchise if a franchise is required.
3. Permits shall not be assigned or transferred.
4. A person shall not be eligible to apply for or receive permits to do work within the rights of way, save and except the following:
 - a. Contractors licensed by the state as general contractors;
 - b. Franchisees and public utilities;
 - c. Property owners installing, replacing, or maintaining less than five hundred square feet or one hundred ten linear feet of sidewalk, curb, and gutter, or driveway approach, or other work approved by the city, upon a portion of the right of way adjacent to their residence; or

- d. Persons offering a service which requires occupation of the right of way, such as scaffold or staging, staging of a crane, installation or maintenance of electric signs, glass, awnings, and painting or cleaning of buildings or sign boards or other structures.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.5 Park Strips, Sidewalks, And Driveways

1. The property owner that is immediately adjacent to a park strip shall maintain the park strip in good condition, free of nuisances, weeds, debris, and trash, and may, without a permit, landscape the park strip as follows:
 - a. Landscaping shall be limited to the installation of grass, sod, xeriscape materials, mailbox, and other similar work that does not alter the grade or elevation of the park strip area, does not require excavating or extending any material more than twelve inches from the prior grade of the park strip, and does not alter any drainage or water flow through the park strip area.
 - b. The property owner shall contact Blue Stakes prior to performing any digging or excavation.
2. No person shall fill in, pipe and culvert, install a hard or impermeable surface upon, or perform other work that alters the fill, grade, drainage, design, elevation, or slope of a shoulder or park strip of a right of way without a permit.
3. No person shall alter, break into, excavate, remove, or damage any sidewalk without a permit.
4. All construction or other work that connects to or modifies the existing right of way, such as the installation of a driveway or other access for private property, shall require a permit.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.6 Utility Easements

No person shall install any permanent surface, building, or structure on, under, or over a public utility easement or municipal utility easement.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.7 Permit Application

Each permit application shall contain such information and documentation as the city may require in order to demonstrate compliance with the terms, conditions, and requirements of this Ordinance, including but not limited to the following:

1. The anticipated starting and completion date, and the season of the year during which the work is to be performed as well as the current weather and its impact on public safety and the use of the right of way by the public;
2. The scope of work to be performed under the permit;
3. The applicant's plan for maintaining the safe and effective flow of pedestrian and vehicular traffic on the right of way affected by the work;
4. The applicant's plan for protecting the existing improvements to and facilities within the right of way impacted by the work; and
5. Drawings, plans, details, specifications, typical cross-sections, and other construction drawings necessary to describe and document the work to be performed, including work site restoration.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.8 Permit Standards

The decision of the city to issue a permit, and the terms and conditions of such permit, shall be based on the information submitted by the applicant and the factors determined by the city, including the following:

1. The capacity of the right of way to accommodate the facilities or structures proposed to be installed or constructed in addition to all existing facilities or structures.
2. The capacity of the right of way to accommodate the facilities or structures without impacting or limiting the provision of critical public infrastructure such as electrical power, gas, sewer, and water.
3. The damage or disruption to public or private property, facilities, improvements, or landscaping previously existing in the right of way.
4. The public interest in minimizing the cost and disruption of construction from numerous excavations of the right of way.
5. The past performance of the applicant in conforming with this ordinance and all applicable engineering regulations, specifications, design standards, insurance and bonding requirements, and work site restoration requirements.
6. The satisfaction of engineering regulations, construction specifications, and design standards, as demonstrated by plans, designs, specifications, drawings, and/or details submitted by the applicant.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.9 Permit Terms

Any permit authorizing any work within or upon a right of way shall contain such terms and conditions as are necessary to protect resident and public property, the public, Lake Point, and existing facilities within the right of way, including the following:

1. All work shall conform to city engineering regulations, design standards, construction specifications, and traffic control regulations.
2. Where a job site is left unattended, before completion of the work, signage with minimum two inch high letters shall be attached to a barricade or otherwise posted at the site, including the permittee's name, or company name, telephone number, and after hours telephone number.
3. The city shall be notified by the permittee of commencement of the work within twenty-four hours prior to commencing work. The city's law enforcement and fire protection service shall be notified by the permittee at least twenty-four hours in advance of any planned excavation requiring street closure or traffic detour.
4. Existing drainage channels, such as gutters or ditches, shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt flow of the drainage channel, a method of rerouting the flow must be submitted for approval prior to the blockage of the channel.
5. Provision of temporary sidewalks, curb ramps, roadway plates, and other improvements to allow for continued access where existing sidewalks, accesses, and roadways are blocked, impaired, or obstructed by the work. The temporary improvements shall be safe for travel and convenient for users, consistent with governing standards.
6. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface until such time as the permanent repairs are complete.
7. All excavations shall be conducted in a manner resulting in a minimum amount of interference or interruption of street or pedestrian traffic. Inconvenience to residents and businesses fronting on the right of way shall be minimized. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place, except where backfilling and resurfacing is to be done by the city; in which case the barricades, together with an necessary lights, flares or torches, must remain in place until the backfill work is actually commenced by the city. From sunset to sunrise, all barricades and excavations must be clearly outlined or illuminated.

8. Work site restoration to original condition of all impacted private and public property not owned by the permittee at the permittee's sole expense and within a reasonable timeframe, including the replacement of any removed or damaged pavement with the same type and depth of pavement as that which is adjoining or as that which previously existed, including the gravel base material. All restoration shall conform to applicable engineering regulations, design standards, and construction specification.
9. The permittee satisfies and provides evidence to the city of their satisfaction of the insurance and bonding requirements set forth herein.
10. The permit shall have a definite period for the commencement and completion of the authorized work, including all work site restoration, after which the permit shall expire. If the work is not completed during such period, prior to the expiration of the permit, the permittee may apply for an additional permit or an extension, which may be granted for good cause shown. The length of the extension requested by the permittee shall be subject to the approval of the city. No extension shall be made that allows work to be completed in the winter period without demonstration of how the applicant shall complete work and protect the public and the right of way during the winter.
11. All work performed pursuant to a permit shall be subject to inspection and review by the city for compliance with this ordinance and the terms of such permit.
12. The requirements imposed upon the permittee extend to any subcontractor or independent contractor that the permittee might employ to perform the tasks pursuant to the permit.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.10 Regulations On Cutting Roads

1. Cuts in or other work that damages paved road surfaces are prohibited for a period of five years from the date of installation of the road surface. This shall not restrict work performed by or for Lake Point.
2. The City Council or designee may approve a permit that requires or involves the cutting of or damage to a road surface that was installed less than five years prior to the date of the permit in the following circumstances:
 - a. The applicant agrees to repave, overlay, or otherwise reconstruct the entire width of the impacted road surface between the nearest intersections, in accordance with Lake Point standards and specifications.
 - b. The applicant provides assurances and guarantees, in amounts as set forth in Section 19, that cover the entire portion of the roadway required to be reconstructed under this section.

HISTORY:

ORD. NO. [2023-26](#), 10/11/2023

10.1.11 Franchise Required

1. Except to the extent preempted by federal or state law, every person desiring to use the rights of way for purpose of constructing, installing, operating, and maintaining any utility, telecommunication, internet access service, or other similar system or facility must obtain a franchise for such system or facility prior to any construction or installation.
2. A person shall not be eligible to obtain a franchise, except the following:
 - a. Public utilities and entities that provide similar services and products as public utilities;
 - b. Governmental entities, including districts;
 - c. Telecommunications, cable television, telephone, and internet access service providers;
 - d. Persons offering a service, whether for profit or not-for-profit, that will be generally available or offered to the residents of the city, whether in whole or in part, which service requires the installation of facilities within the rights of way.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.12 Franchise Standards

The city finds that it is in the interests of the public to franchise and to establish standards for franchising providers in a manner that:

1. Fairly and reasonably compensate the city on a competitively neutral and nondiscriminatory basis as provided herein;
2. Encourage competition by establishing terms and conditions under which providers may use the rights of way to serve the public;
3. Fully protect the public interests and the city from any harm that may flow from such commercial use of rights of way;
4. Protect the police powers and rights of way management authority of the city, in a manner consistent with federal and state law;
5. Otherwise protect the public interests in the development and use of the city infrastructure;
6. Protect the public's investment in improvements in the rights of way; and
7. Ensure that no barriers to entry of telecommunications providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting telecommunications services, within the meaning of the telecommunications act of 1996.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.13 Franchise Terms

In order to satisfy the franchise standards required herein, the franchise agreement shall incorporate terms that address the following requirements:

1. All franchises shall be nonexclusive and shall not prohibit the city from granting or authorizing other franchises for similar or different services and facilities as those provided by the franchisee.
2. No franchise agreement shall operate to limit the police power of the city regarding to use, regulation, and protection of public property and rights of way.
3. The franchisee shall obtain all required permits and approvals, including construction and excavation permits as required by this ordinance, prior to beginning any work within the rights of way.
4. The franchisee shall restore, repair, and remediate, at its sole cost and expense, all public and private property and right of way that is impacted or damaged by the franchisee's work, construction, facilities, and services.
5. The franchisee shall not obtain any ownership of or interest in any portion of the rights of way.
6. The franchisee shall indemnify and hold the city harmless from all claims and damages of any kind whatsoever arising out of the franchisee's work, facilities, and services.
7. The franchisee shall relocate or remove, at its sole cost and expense, any of franchisee's facilities that interfere with the normal use of the rights of way or that are located within a right of way that is realigned or removed by the city, as required by this Ordinance.
8. A franchise may not be assigned or transferred to a third party without the prior, written authorization of the city, unless such third party is in common ownership with the franchisee or is a parent or subsidiary of the franchisee. This shall not restrict the right or ability of the franchisee to lease, mortgage, or grant other rights in or to its facilities and systems, so long as such rights do not purport to grant any right or interest in or to the franchise or the rights of way.
9. The removal or abandonment in place, without compensation or payment from the city, of all facilities and improvements installed or constructed by the franchisee upon the termination of the franchise.
10. Appropriate enforcement and default provisions, including provisions related to notice and a reasonable period to cure any alleged default.
11. Compliance with or payment of any tax or franchisee fee lawfully imposed by the city.
12. Other terms as may be negotiated and approved by the city and the franchisee, provided that such terms shall provide for fair and equitable treatment of the franchisee as compared to all other persons providing similar facilities or services.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.14 Conflicting Terms

In the event of a conflict between a permit, franchise agreement, applicable design, engineering, and construction standards, and the ordinance, the following shall govern, in order of highest to lowest priority:

1. City, state, and federal design, engineering, and construction standards;
2. The permit and plans approved therewith;
3. The terms of a franchise agreement;
4. This Ordinance.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.15 Hold Harmless Agreement; Limitations On City Liability

1. Any person who obtains a permit or franchise pursuant to this Ordinance shall agree to save the city, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit or pursuant to such franchise. The issuance and acceptance of any permit or franchise agreement under this ordinance shall constitute such an agreement.
2. This Ordinance shall not be construed as imposing upon the city, its officers, employees, and agents, any liability or responsibility for damages to any person injured by or by reason of the performance of any work within a right of way, or under a permit issued pursuant to this chapter; nor shall the city, its officers, officials, employees, agents, volunteers, or assigns thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized or required hereunder, the issuance of any permit or franchise, or the approval of any work.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.16 Emergency Work

1. Any person maintaining pipes, lines, or facilities in the rights of way may proceed with work upon existing facilities without a permit when emergency circumstances demand the work to be done immediately; provided, a permit could not reasonably and practicably have been obtained beforehand.
2. In the event that emergency work is commenced on or within any right of way during regular business hours, the city shall be notified within one-half hour from the time the work is commenced. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the direction and control of traffic, and shall insure that work is accomplished according to city engineering regulations, the manual on uniform traffic control devices and other applicable laws, regulations, or generally recognized practices in the industry.
3. Any person commencing emergency work in the rights of way during other than business hours without a permit shall immediately thereafter apply for a permit or give notice during the first hour of the first regular business day on which city offices are open for business after such work is commenced. A permit for such emergency work may be issued which shall be retroactive to the date when the work was begun, at the discretion of the city.
4. The city may, at any time, in case of fire, disaster, or other emergency, as determined by the city in its reasonable discretion, cut or move any parts of any franchised system or any other improvement, facility, or appurtenance on, over, or under the rights of way, in which event the city shall not be liable therefor to a person. The city shall notify the owner or other responsible person in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this subsection.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.17 As-Built Plans

Upon completion of any work on public property, within a right of way, for a public improvement required for a subdivision or other development, or other work authorized by a permit or franchise under this Ordinance, the person shall provide "as-built" plans in an approved format showing the location of all facilities so installed, which plans shall comply with the following requirements:

1. All improvements and facilities must be shown in actual location with a horizontal control based off of an approved GIS coordinate system or other control measure.
2. Points shall be listed with the dimensions of the improvements; the plans shall include a reference table with all of the points.
3. Plans shall include an Engineer of Record Stamp certifying the locations of the completed improvements or facilities.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.18 Insurance

1. Before a permit is issued and for the duration of any permit, the applicant shall obtain and maintain a comprehensive general liability and property damage policy that includes contractual liability coverage endorsed with the following limits and provisions or with such alternative limits and provisions as may be approved by the city:
 - a. A minimum of one million dollars combined single limit per occurrence for bodily injury, personal injury, and property damage and not less than one million dollars in the aggregate. The general aggregate limit shall apply separately to the permit, or the general aggregate limit shall be two times the required occurrence limit. The coverage shall be in the nature of broad form commercial general liability coverage. The city may increase minimum insurance limits, depending on the potential liability of any project.
 - b. All policies shall include the city, its employees, officers, officials, agents, volunteers, and assigns, as additional insureds. Any reference to the city shall include the city, its employees, officers, officials, agents, volunteers, and assigns.
 - c. The coverage shall be primary insurance as respects the city, its employees, officers, officials, agents, volunteers, and assigns. Any insurance of self-insurance maintained by the city, its employees, officers, officials, agents, volunteers, and assigns shall be in excess of the permittee's insurance and shall not contribute to or with it.
 - d. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the city, its employees, officers, officials, agents, volunteers, and assigns.
 - e. Coverage shall state that the permittee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - f. Underwriters shall have no right of recover or subrogation against the city, it being the intent of the parties that the insurance policy so affected shall protect both parties and be primary coverage for any and all losses covered by the described insurance.
 - g. The insurance companies issuing the policy or policies shall have no recourse against the city for payment of any premiums due or for any assessments under any form of any policy.
 - h. Each insurance policy shall be endorsed to state that the coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits, except after thirty days' prior written notice by certified mail, return receipt requested sent to the city.
 - i. Each policy shall be endorsed to indemnify, save harmless, and defend the city, its employees, officers, officials, agents, volunteers, and assigns against any claim or loss, damage or expense sustained on account of damages to persons or property occurring by reason of work done by the permittee, their subcontractor or agent, related to the rights of way until the work and all work site restoration is completed, whether or not the work has been completed, whether or not the work conformed to the terms of the permit, and whether or not the right of way has been opened to public travel.
 - j. Insurance is to be placed with insurers with an AM Best rating of no less than an A carrier, with a rating of "7" or higher.
2. The permittee shall furnish, upon request, the city with evidence and proof of insurance, including certificates of insurance and original endorsements affecting coverage required by the permit.
3. The permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsement for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4. Any deductibles or self-insured retentions shall be declared to and approved by the city. At the option of the city, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the city, its employees, officers, officials, agents, volunteers or assigns or the permittee shall procure a bond, in a form acceptable to the city, guaranteeing payment of losses and related investigations, claim administration, and defense expenses.
5. A property owner performing work adjacent to his/her residence may submit proof of a homeowner's insurance policy in lieu of the insurance requirements of this section.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.19 Assurances And Guarantees

1. Each applicant other than a government entity or a public utility shall provide the city with an acceptable security in the form of a cash bond, letter of credit, or corporate surety, as approved by the city to guarantee faithful performance of the work authorized by a permit, prior to such permit being granted pursuant to this chapter.
2. The amount of the security required shall be one thousand dollars for driveway or access connections to the rights of way for other work that does not involve the portion of the right of way consisting of the roadway surface or the ground or space underneath the roadway surface.
3. The amount of the security required for all work that affects the roadway surface or supporting ground or space, including all work that involves excavation, cutting, removal, or other damage in or to a paved city street or work that involves boring or tunneling under a paved city street shall be no less than 125% of the reasonably estimated cost to repair or replace such street improvements, with 10% of such amount retained as a guarantee for a period of one year after completion of all remediation work. The form of the security and the entity issuing the security shall be subject to the approval of the city attorney.
4. The security required by this section shall be conditioned as follows:
 - a. That the permittee shall fully comply with the requirements of the city ordinances and regulations, specifications and standards promulgated by the city relative to work in the right of way, and respond to the city in damages for failure to conform therewith;
 - b. That after work is commenced, the permittee shall proceed with diligence and expedition and shall promptly complete such work and all work site restoration to construction specifications, so as not to obstruct the right of way or travel thereon more than is reasonably necessary;
 - c. That the permittee shall guarantee the materials and workmanship for a period of one year from the completion of such work, with reasonable wear and tear excepted.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.20 Protection Of Rights Of Way

1. Except as expressly authorized by the city, no person owning, occupying, or having control of any premises shall place upon or permit to be placed upon the sidewalk, gutter, street, or other portion of a right of way:
 - a. Any rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, rocks, dirt, mud, soil, gravel, landscaping materials, or other similar materials, provided that this shall not apply to the normal and intended use of appropriate portions of the rights of way for drainage and channeling watering or to the placing of ice and snow upon the park strip in such a way that the use of the street and sidewalk, if any, is not impeded;
 - b. Any vehicles, trailers, construction and building materials, merchandise or other thing that is not a nuisance or rubbish, in such a way as to obstruct such sidewalk, gutter, street, or other portion of a right of way.
2. No person shall dig, excavate, cut, or damage any rights of way, nor shall any person install or construct any facility or improvement within, upon, or under the rights of way without the authorizations required by this Ordinance, unless otherwise authorized herein.
3. No person shall obstruct or block the normal use and operation of the rights of way.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023ORD. NO. [2023-26](#), 10/11/2023

10.1.21 Relocation Of Facilities

1. The city may direct and require any person owning or maintaining facilities or structures in the rights of way to alter, modify, or relocate such facilities or structures as the city may require as set forth herein or as set forth in a franchise agreement, if applicable. All facilities installed pursuant to a franchise agreement, and all sewers, pipes, drains, tunnels, conduits, pipe, driveways, vaults, trash receptacles and overhead and underground gas, electric, telephone, telecommunication and communication facilities, fiber optic, and other similar wires, lines, and facilities shall specifically be subject to such directives.
2. The person owning or maintaining the facilities or structures shall, at their own cost and expense and upon reasonable written notice by the city, promptly protect, or promptly alter or relocate such facilities or structures, or part thereof, as directed by the city. In the event that such person refuses or neglects to conform to the directive of the city, the city shall have the right to break through, remove, alter or relocate such part of the facilities or structures without liability to such person. Such person shall pay to the city all costs incurred by the city in connection with such work performed by the city, including also design, engineering, construction, materials, insurance, court costs and attorney fees.
3. Any directive for relocation or removal of facilities under this section by the city shall be based upon the following:
 - a. The facility or structure was installed, erected or is being maintained contrary to law, or determined by the city to be structurally unsound or defective;
 - b. The facility or structure constitutes a nuisance as defined under state statutes;
 - c. The permit or franchise under which the facility or structure was installed has expired or has been revoked;
 - d. The right of way is about to be repaired or improved and such facilities or structures may pose a hindrance to construction; or
 - e. The grades or lines of the right of way are to be altered or changed.
4. Any directive of the city under this section shall be under and consistent with the city's police power. Unless an emergency condition exists, the city shall make a good faith effort to consult with the person regarding any condition that may result in a removal or relocation of facilities in the right of way to consider possible avoidance or minimization of removal or relocation requirements and provide the directive as far enough in advance of the required removal or relocation to allow the person a reasonable opportunity to plan and minimize cost associated with the required removal or relocation.
5. This obligation does not apply to facilities or structures originally located on private property pursuant to a private easement, which property was later incorporated into the right of way, if that prior private easement grants a superior vested right.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023ORD. NO. [2023-26](#), 10/11/2023

10.1.22 City Not Limited

Nothing in this ordinance or in any franchise agreement shall limit the city's ability to provide any service or facility to its residents that is lawfully authorized to provide, regardless of whether such service or facility is similar to that provided by a franchisee.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023ORD. NO. [2023-26](#), 10/11/2023

10.1.23 Compliance And Revocation

1. Work Without A Permit.
 - a. A stop order may be issued by the city directed to any person doing or causing any work to be done on public property or within a right of way without a permit or in excess of the terms of a permit.

- b. Any person found to be doing work in a right of way without having obtained a permit or in excess of the terms of a permit shall be required to obtain a permit and pay a permit fee equal to two times the normal permit fee. Such permit shall require the remediation of any work performed that is not authorized by the permit. For replacement work, where a fee is not normally charged, the normal permit fee for new construction shall apply.
2. Revocation And Stop Work On A Permit. Any permit may be revoked or suspended, after notice to the permittee, and a stop order issued by the city for:
- a. Violation of any condition of the permit, the security, or of any provision of this ordinance;
 - b. Violation of any provision of any other ordinance of the city or law relating to the work; or
 - c. Existence of any condition or the doing of any act which does not constitute, may constitute, or cause a condition endangering life or property.
3. Remedies Generally. For failure to conform to the design standards and regulations or other terms of a permit or franchise agreement, the city may:
- a. Suspend or revoke the permit or franchise agreement, subject to terms regarding default provided for in such franchise agreement;
 - b. Issue a stop order;
 - c. Order removal and replacement of faulty work;
 - d. Require an extended warranty period; and/or
 - e. Negotiate a cash settlement to be applied toward repair, restoration, or future maintenance costs.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.1.24 Violation And Penalty

1. Unless otherwise specified in this Ordinance, a violation of any provision of this Ordinance, or failure to comply with an order of suspension, revocation or stop work, shall be a Class B misdemeanor and may be enforced through both civil and criminal remedies.
2. Each day the violation exists shall be a separate offense. No criminal conviction shall excuse the person from otherwise complying with the provisions of this chapter, nor shall any criminal or conviction prevent the city from enforcing this Ordinance by way of administrative proceedings, injunctions, or other civil remedies.

HISTORY:

ORD. NO. [2023-05](#), 2/8/2023

ORD. NO. [2023-26](#), 10/11/2023

10.2 Protection Of Waterway Swales Including Maintenance And Alteration And Specific Requirements For Swales Constructed In New Or Existing Plats

10.2.1 Purpose

1. The purpose of this Ordinance is to establish additional supplemental terms and conditions to ordinance 2023-05 Use of Public Ways and Franchises to by which non-city persons, entities and residents may excavate, engage in construction on, in, or under, improve, occupy, and otherwise alter existing public swale and waterway rights of way owned or controlled by Lake Point in a specific manner with specific conditions and materials as to protect the public and the city while facilitating requests of driveway crossings for Lake Point residents, in a fair and equitable manner.
2. This ordinance also applies to requirements for swales crossing standards and designs of any future swales required to be built on a parcel, lot, or subdivision.
3. The city finds that the swale rights of way within the city are critical to the water resources, lot runoff, storm management, flood prevention and water systems health of the city and the community wells and aquifer. Swales are intended for public uses and must be managed, controlled, and protected consistent with that intent.

4. The city finds that the city should require a permit for any such work to excavate, engage in construction on, in, or under, improve, occupy, and otherwise alter existing public swale and waterway rights of way owned or controlled by Lake Point in the swale right of way and sets for these specific requirements for piping of swales crossings to prevent damage and improper use or water restrictions of the swale rights of way.

HISTORY:

ORD. NO. [2023-28](#), 10/25/2023

10.2.2 Definitions

The following terms shall have the meanings set forth below for purposes of this Ordinance only, all other definitions in ordinance 2023-05 Use of Public Ways and Franchises are hereby incorporated when necessary:

1. "City": the municipality of Lake Point.
2. "Permit": A permit, license, or other grant of authority issued in writing by the city that authorizes a particular scope of work within the swale rights of way, which cope may be defined and limited in the permit by location, duration, work site restoration requirements, and other conditions necessary to protect public or private property and rights of way.
3. "Person": Any individual, business, company, corporation, firm, partnership, venture, or other entity of any kind, including state, federal, local, school, interlocal, and other governmental or public entities.
4. "Public Property": Any real property, an interest in real property, and all appurtenances and improvements thereto, owned or controlled by the city, other than rights of way.
5. "Rights of Way": The surface of and the space above and below any public street, sidewalk, park strip, swale, alley or other public way of any type whatsoever, including an unimproved right of way or easement dedicated for use as a public right of way, now or hereafter existing as such within the city, but not including any easement dedicated to or owned by the City that is granted or reserved for the City's exclusive use and not for use by third parties or the public (such as easements for water, or drainage facilities).

HISTORY:

ORD. NO. [2023-28](#), 10/25/2023

10.2.3 Permit Required

1. It is unlawful for the residential owner of a lot to fill-in, block, regrade or in any way decrease the capacity of the drainage swales that are constructed with the PUDE's as shown on plat maps, storm water plans and in other areas. All drainage swales that are crossed by the driveways or other hard surfaces must be permitted and well be piped at the Owner's expense.
2. Culvert driveway crossings must be done with an (18") culvert pipe and the materials authorized for use and standards of build are found in [Attachment A](#). A swale driveway crossing will be installed in accordance with the standards as outlined in [attachment A Swale Alterations and Driveway Crossing Culvert Design Standards](#).
3. All new subdivisions will be required to use the (18") reinforced concrete pipe (RCP), with a concrete flared end section or HDPE with a flared end section on the inlet end of the pipe for any swale crossing built that goes under a concrete/cement driveway.
4. It is unlawful for any person to commence work to excavate, engage in construction on, in, or under, improve, occupy, and otherwise alter existing public swale and waterway rights of way owned or controlled by Lake Point until the city has approved and issued a permit for such work, except as specifically approved to the contrary in this Ordinance. Such prohibition includes maintenance, construction, excavation, and improvement work performed by a city other than Lake Point, a county, state, federal, or other government entity.

HISTORY:

ORD. NO. [2023-28](#), 10/25/2023

10.2.4 Conflicting Terms

In the event of a conflict between a permit, franchise agreement, applicable design, engineering, and construction standards, and the ordinance, the following shall govern, in order of highest to lowest priority. To the extent that a stricter standard applies, the stricter standard regarding swale culvert additions or designs will be the prevailing requirement that governs.

1. This ordinance and [Attachment A Standards](#).
2. Plat Map conditions and standards regarding swale requirements.
3. City, state, and federal design, engineering, and construction standards.
4. The permit and plans approved therewith.

HISTORY:

ORD. NO. [2023-28](#), 10/25/2023

10.2.5 Ordinance 2023-05 Use Of Public Ways And Frachises

All other requirements and restrictions from Ordinance 2023-05 Use of Public Ways and Frachises are hereby incorporated herein.

HISTORY:

ORD. NO. [2023-28](#), 10/25/2023

11 Buildings

11.1 Utah State Construction And Fire Codes

11.1.1 Adoption

The Utah State Construction and Fire Codes, as set forth in Title 15A of the Utah Code, are adopted as the Lake Point construction and fire codes.

HISTORY:

Ord. No. [2022-02](#), 12/7/2022

12 Subdivisions

12.1 Utah Municipal Land Use, Development, And Management Act

12.1.1 Adoption

The definitions and standards of the Utah Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a of the Utah Code, are adopted.

HISTORY:

Ord. No. [2022-02](#), 12/7/2022

13 Land Uses

13.1 Utah Municipal Land Use, Development, And Management Act

13.1.1 Adoption

The definitions and standards of the Utah Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a of the Utah Code are adopted.

HISTORY:

Ord. No. [2022-02](#), 12/7/2022

13.2 Rural Residential Zone District (RR1)

13.2.1 Creation

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

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.2 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 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 the growing of crops and the boarding, caring for, raising, grazing, feeding, riding, and training of horses and other livestock, farm animals, fowl, and pets often found in rural areas (collectively, "Livestock"), and to have their attendant noises, odors, and sights is encouraged 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 should not change the basic rural character of the zone. The RR1 area is an integral part of the Lake Point area.

The rural residential zone is intended for residential single-family and duplex dwellings that are in harmony with the rural characteristics of the area. This includes supporting purposes and ordinances to ensure adequate air and open space for each dwelling.

This zone is characterized by low density, commingling of one-family detached dwellings and duplexes on individual lots, agricultural activities, parks, playgrounds, museums, libraries, senior citizen centers, schools, and churches.

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. Spot zoning is defined as waiving land use regulations, development standards, or subdivision requirements, or granting use variances, to permit a particular property 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.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.3 Definitions

1. Accessory Building and Accessory Structure: Any building or structure that is not the primary building, including sheds, garages, barns, and permanent 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 and attached to the primary single-family dwelling, 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, or an existing parcel of record that was, at the time of its creation, not subject to applicable subdivision requirements, which meets all size, frontage, setbacks, 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, which structure is 200 square feet or larger.
7. Collector Class Roads: The following streets, and new streets as designated by the City, are Collector Class Roads:
 - a. Clinton Landing Road
 - b. Pole Canyon Road
 - c. Saddleback Boulevard
 - d. A portion of Canyon Road, from the existing ET Irrigation canal west
 - e. A portion of Center Street, from Canyon Road south
 - f. A portion of Sunset Road, from Sage Lane west
8. Disability: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a history or record of such an impairment, or a person who is perceived or regarded as having such an impairment.
9. Duplex: A residential building with two dwelling units, typically side-by-side, that are connected or attached with a shared wall, where the units are not accessory to each other. The dwelling units may be under separate ownership, provided that the property containing both units remain under single ownership, and the dwelling units are not separated or subdivided from each other.
10. 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.
11. 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.
12. Home-based Business: As defined by the city's home-based business ordinance.
13. Home occupation: As defined by the city's home occupation ordinance.
14. Lot: A track 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.

15. Parcel: Any real property that is not a lot.
16. 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 part of the primary building.
17. Setback: A setback is the minimum distance required between the relevant setback measurement line and the closest point of any outside surface of support posts, cantilevers, bay, bow, or box windows, or any hard wall line or foundation of the structure, or, for pools and other in-ground structures, the closest point of the in-ground structure. 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.
18. 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.
19. Structure: Anything constructed or erected which requires location on the ground, but not including a tent or automobile and which is 200 square feet or larger.
20. 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.
21. Urban Farming: Cultivating food or other marketable crop or engaging in livestock production, including grazing, as further defined by Utah Code §59-2-1702.
22. Yard - Front: The portion of a lot or parcel facing or fronting a street within the required setback area.
23. 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.
24. Yard - Side: The portion of a lot or parcel that are not front or rear yards, within the required setback area.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.4 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 Requirements: 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 primary building shall be 30 feet.
 - ii. Side Yard: The minimum side yard setback for the primary building shall be 7 feet.
 - iii. Rear Yard: The minimum rear yard setback for the primary building shall be 20 feet.
 - b. Accessory Building Setbacks:
 - i. Front Yard: The minimum front yard setback for the accessory building shall be 30 feet.
 - 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.
 - iv. From the 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 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, as measured from any point along the retaining wall touching or adjoining the uniform, natural, or cut grade, shall require a building permit.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.5 Required Improvements For Subdivision Development

1. Prior to commencing any subdivision 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 AWPA, 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 ensure proper water drainage and 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, the the re-grading of property shall not cause an increase in water or runoff that drains 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. 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.
- b. Each duplex shall provided a minimum of two off-street parking areas for each dwelling unit.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.6 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) and do not count towards the 20% maximum coverage requirement.
- 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 and Federal Law
- c. Childcare Residential: Allowed, provided they have 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: Permitted in accordance with the city's residential business regulations.
- g. Home Occupations: Permitted in accordance with the city's residential business regulations.
- h. Preschool-Residential: Allowed, provided they have 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 occupation 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. 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 on a permanent foundation, which structure is smaller than the primary dwelling, provided that the owner may designate which dwelling unit is the primary dwelling.
 - 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. The detached ADU cannot be larger than 1200 square feet for lots or parcels equal to or larger than 0.85 acres of physical land, or no larger than 900 square feet for lots or parcels between 0.50 acres up to 0.85 acres.
 - ix. A detached ADU is not permitted on a lot or parcel that is smaller than 0.85 acres of physical land, if the lot or parcel also contains an internal ADU.
 - x. The structure containing the detached ADU cannot have more than two stories, one of which must be a basement, and the detached ADU may be located on any of the stories. An external ADU can only have one level above ground. Notwithstanding the foregoing, an external ADU is permitted in the 2nd level of a barn, detached garage, or shop.
 - xi. Construction of new detached ADUs must comply with Utah State health, building, and fire codes.
 - xii. 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. Duplexes, on a lot or parcel with at least 0.85 acres of physical property. Duplexes may not contain internal accessory dwelling units.
 - f. 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 only be used as a temporary dwelling while there is an active building permit for the associated property. 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. Use shall comply with state and federal law, and the owner or operator of the facility shall provide proof of all licenses and permits required by state and federal law prior to occupancy. Each type of facility shall be dedicated for the use of elderly persons or for the use of disabled persons, but not both.
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. Temporary pools are also permitted.
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.
 - f. Museums, private or public
 - g. Libraries, private or public
 - h. Senior citizen centers
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

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.7 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. Retaining walls, over 4 feet, as measured from any point along the retaining wall touching or adjoining the uniform, natural, or cut grade;
 - g. Hard surface areas;
 - h. Curb and gutter elevations as indicated in the subdivision documents;
 - i. Utilities lines, connections, and facilities, including on-site drainage, wells, meters, and sewer lateral or septic tank locations;
 - j. Street names;
 - k. Driveway and parking locations, and distance to nearest driveway if within 25 feet or another driveway;
 - l. Location of the nearest hydrant, if within 150 feet of the property;
 - m. 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.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.8 Off-site Improvements

1. The applicant for a building permit shall provide for the installation of swales along the entire property line abutting any public street. The installation of such improvements shall be of a type and design approved by the city, and shall be required on any existing street adjoining the lot or parcel on which a building is to be constructed or remodeled, or on which a new use is to be established. Such improvements may be required as a condition of a building permit or a use permit approval.
2. The planning commission may grant an exception to the installation of swales in rural or estate areas where topographic or other exceptional conditions exists, provided that the public health, safety and welfare is preserved.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.9 Buildable And Non-Conforming Lots

1. Every lot shall have such area, width and depth as is required for the zoning district in which such lot is located in order to be a buildable, lawful lot.
2. Any lot created through an exemption from the subdivision requirements, including those exemptions under Utah Code §10-9a-605 and Utah Code §172-27a-605, and any other lot or parcel created without being platted on an approved subdivision plat, is not a buildable lot for a residential dwelling or use, unless the lot or parcel meets the definition of a buildable lot. To become a residential building lot, the lot or parcel shall first be subdivided, created, and recorded on a subdivision plat.
3. Any lot or parcel, other than those described in section 2 herein, lawfully subdivided and approved by the relevant land use authority, and which does not meet the size, frontage, or other requirements of the zoning district in which it is located, may be used for a single-family dwelling if it is located in a zoning district that permits single family dwellings. Such use shall conform to the applicable setback requirements for the zoning district.
4. Except as expressly authorized 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 primary residence on a lot or parcel that does not have frontage upon or access to a publicly dedicated street or an approved private street.

6. No lot for dwelling use shall be created which is more than three times as deep as it is wide, provided that, in the RR1 district, the City may approve the creation such lots if the applicant proves that a deeper lot is the most judicious configuration of the property, but in no case shall more than five such lots be approved in any subdivision, and no such lots shall be more than five times as deep as it is wide.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.10 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, not 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;
 - c. Trees and other vegetation; and
 - d. Projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet, provided such projections do not cross the property line,

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.11 Clear View And Sight Triangle Requirements

1. Clear Vision Area - Corner Lots. In all Zones, 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. Where there is a difference in the grade of the properties related to the sight-triangle or driveway, the height of a structure, building, fence, wall, hedge, or other visual obstruction shall be measured from the higher side.
4. There shall be no structure, building, fence, wall, hedge, or other physical obstruction within three (3) feet of any fire hydrant.
5. 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.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.2.12 Supplemental Regulations

The following requirements apply to all development, construction on or within, and use of the 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. This shall not restrict the use of land or the alteration, enlargement, or construction of buildings and structures for greenbelt and similar agricultural uses, as defined by the Utah Farmland Assessment Act and for uses and construction exempted under state construction code.
4. Fees shall be charged to applicants for building, occupancy, conditional use permits, zoning approvals, site and design review, subdivisions, planned unit development approval, hearings, appeals, and such other services required by this land use ordinance to be performed by public officers or agencies, as established by resolution in amounts reasonably necessary to defray costs to the public and the city.
5. This land use ordinance shall not nullify the more restrictive provisions of covenants, agreements, conditions of approval of any permit, plat, or other document, or other ordinances or laws, but this ordinance shall prevail over any such provisions which are less restrictive.
6. If any provision of this ordinance addresses a subject addressed by the state construction code or the state land use, development, and management act, the more restrictive provision shall apply, unless there is a direct conflict, in which case the state regulation shall apply.
7. Only one application for a particular use, construction, or development shall be permitted at one time. Multiple applications may be submitted for a single property, so long as each application is addressed to a different use, construction, or development. The submission of a new application regarding a use, construction, or development for which an application is pending shall, at the election of the applicant, be disregarded or shall revoke and replace the pending application. Fees shall be required for all new applications, and fees paid for prior applications shall not be applied to new applications.
8. No property, and no portion of any lot or parcel, that exceeds 30% slope shall be graded, constructed upon, or disturbed without appropriate engineering.
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, 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, unless the lot is subject to a conservation easement or similar recorded restriction that controls and limits the use of the lot. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development, or any other land use.
11. All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed:
 - a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
 - b. Fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures;
 - c. Public and quasi-public utility buildings.
 - d. Transmission lines with nominal voltage rating of 50kV or greater; and
 - e. Substations.

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023ORD. NO. [2024-02](#), 1/10/2024

13.2.13 Penalties

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

HISTORY:

ORD. NO. [2023-13](#), 6/7/2023

ORD. NO. [2024-02](#), 1/10/2024

13.3 Regulating And Limiting The Placement And Location Of Signs On Public Property

13.3.1 Definitions

1. Private Sign: A sign owned by a private person or entity.
2. Public Property: All property owned by Lake Point or another government entity, including all public roads, dedicated rights of way, swales, park strips, and sidewalks.
3. Public Sign: A sign installed, owned, and/or maintained by a governmental entity, including Lake Point.
4. Sight Triangle: No sign more than three feet (3') in height above the top back of the curb or edge of asphalt shall be erected at any intersection for vehicular traffic or driveway access within a triangular area formed by the intersection of straight lines extended from the back of the curb, edge of asphalt, or edge of driveway access, and a line connecting them at points thirty feet (30') from the intersection of the lines.
5. Sign: Any device, notice, or medium, including its structure and other components, that is visible from any street or from any site other than the one on which it is located and that is used or is capable of being used to attract attention for advertising, identification, expression, or information purposes.

HISTORY:

ORD. NO. [2023-20](#), 9/13/2023

13.3.2 Use Of Public Property Limited

1. Restriction. No signs may be installed or maintained on public property except for the following signs:
 - a. Private signs located within a park strip, swale, or other similar public property located between a public roadway and private property, which public property serves as the frontage of the private property, with and subject to the permission of the owner or resident of the adjacent private property; and
 - b. For other public property, private and public signs authorized by the owner of the public property.
2. Location. Signs located on public property shall comply with the following:
 - a. No signs that constitute electioneering, as defined by the Utah Election Code, shall be located within 150 feet of any polling place or ballot drop box.
 - b. No signs over three feet (3') in height shall be located within the sight triangle except for pole signs or similar signs where the primary obstructing material is at least ten feet (10') from the ground.
 - c. Signs may be relocated by the public owner of the property to avoid interference with vision, irrigation, access, safety, or authorized use of the public property.

3. Size. Private signs located on public property shall not exceed fifteen (15) square feet in size.
4. Timing. Private signs located on public property shall not be installed prior to forty-five (45) days prior to the election or other event addressed by the sign, and all private signs located on public property shall be removed within seven (7) days after the election or other event addressed by the sign is complete.
5. Construction and Maintenance. Private signs located on public property shall be static and non-illuminated and shall not be connected to power sources or require electricity to function. The owner of the private sign shall ensure the sign is constructed of quality materials and will be maintained in good condition so as to not become litter or a nuisance. The owner of the private sign shall remove or repair any sign that is damaged.

HISTORY:

ORD. NO. [2023-20](#), 9/13/2023

13.3.3 Private Signs On Private Property

Private signs located on private property with the property owner's or resident's permission are permitted, provided no sign over three feet (3') in height is located within the sight triangle.

HISTORY:

ORD. NO. [2023-20](#), 9/13/2023

13.3.4 Enforcement

1. The public entity that owns public property may, without notice to the sign owner, remove or authorize the removal of any sign that violates this ordinance.
2. The owner or resident of private property adjacent to a park strip, swale, or other similar public property may remove any unauthorized private sign within the park strip, swale, or other similar public property adjacent to the private property.
3. A person or entity that violates this ordinance after receiving notice and having a reasonable opportunity to correct any violations shall be guilty of an infraction or equivalent civil penalty.

HISTORY:

ORD. NO. [2023-20](#), 9/13/2023

13.4 Adoption Of APWA Standards As Lake Point Design Standards And Specifications

13.4.1 Standards

1. Lake Point hereby adopts by reference the standards promulgated by the American Public Works Association (APWA) and the American Association of State Highway and Transportation Officials (AASHTO) for all applicable improvements.
2. Lake Point hereby adopts by reference the standards set forth in the [December 15, 2023, Stormwater Drainage Design Criteria Memorandum](#).

HISTORY:

ORD. NO. [2023-22](#), 9/27/2023ORD. NO. [2024-03](#), 1/10/2024

13.4.2 Conflicts

Where the standards adopted herein conflict with a more specific or more stringent standard or another ordinance adopted by Lake Point, now or in the future, such more specific or stringent standard or other ordinance shall control.

HISTORY:

ORD. NO. [2023-22](#), 9/27/2023

13.5 Commercial And Industrial Zoning Districts

13.5.1 Standards

Lake Point hereby establishes the lists and tables of permitted and prohibited uses within the Commercial Neighborhood, Commercial Highway, Commercial General, and Industrial zoning districts.

Allowed and Prohibited Uses for Commercial and Industrial Zoning Districts

Table 1.1. Agriculture, forestry and keeping of animals.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes
b	Agriculture including grazing and pasturing of animals	Yes	Yes	Yes	Yes
c	Agricultural industries	No	No	No	Yes
d	Beauty shop for pets, dog grooming	Yes	Yes	Yes	Yes
e	Cannabis production establishment (see current state statute 4-41a-406(2) (not allowed within 1,000 feet of a community location or 600 feet of a primarily residential zone).	No	No	No	Yes
f	Community gardens, fruit and vegetable stands, orchards,	Yes	Yes	Yes	Yes
g	Rooftop mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes
h	Tilling of the soil, raising of crops, horticulture and gardening	Yes	Yes	Yes	Yes

Table 1.2. Automobile, truck and recreational vehicle sales and services.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes
b	Automatic car wash	No	Yes	Yes	Yes
c	Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	No	Yes	Yes	Yes
d	Automobile service station	No	Yes	Yes	Yes
e	Body and fender shop; tire recapping; motor vehicle, motorcycle, and recreation vehicle assembling, painting, upholstery and rebuilding.	No	No	Yes	Yes

f	Dismantling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts	No	No	Yes	Yes
g	Indoor auto parts sales	No	Yes	Yes	Yes
h	Parking lot not incidental to a use conducted on the premises - e.g. park and ride lot	No	No	Yes	Yes
i	Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	No	Yes	Yes	Yes
j	Rooftop mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes
k	Truck and heavy equipment service station and repair facility	No	No	Yes	Yes
l	Truck wash	No	No	Yes	Yes

Table 1.3. Commercial sales and service.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes
b	Animal hospital; In Neighborhood District only, no animals may be housed or treated outside of structure	Yes	Yes	Yes	Yes
c	Art needlework shop; art shop; art supply	Yes	Yes	Yes	Yes
d	Awning sales/repair	No	Yes	Yes	Yes
e	Baby formula service; baby diaper service; sitter agency	Yes	Yes	Yes	Yes
f	Bakery, retail sales	Yes	Yes	Yes	Yes
g	Bank	Yes	Yes	Yes	Yes
h	Barber shop	Yes	Yes	Yes	Yes
i	Bath and massage (not part of medical or health spa)	Yes	Yes	Yes	Yes
j	Beauty shop	Yes	Yes	Yes	Yes
k	Beer outlet, Class A, Class B	No	Yes	Yes	Yes
l	Bookstore	Yes	Yes	Yes	Yes
m	Building material sales, enclosed area	No	Yes	Yes	Yes
n	Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing	No	No	Yes	Yes
o	Business incubator	Yes	Yes	Yes	Yes
p	Cafe, cafeteria, catering establishment, restaurant (not a drive-thru)	Yes	Yes	Yes	Yes
q	Candy, confectionery, nut shop	Yes	Yes	Yes	Yes

r	Carbonated and purified water sales; In Neighborhood District only, sales shall be limited to retail sales and not wholesale or delivery	Yes	Yes	Yes	Yes
s	Carpet and/or rug cleaning	Yes	Yes	Yes	Yes
t	Child or adult day care facility	Yes	Yes	Yes	Yes
u	China and/or silver shop	Yes	Yes	Yes	Yes
v	Clothes cleaning, dyeing, pressing, dry cleaners	No	Yes	Yes	Yes
w	Clothing store; In Neighborhood District only, stores shall be small boutique-type stores and not department-type stores	Yes	Yes	Yes	Yes
x	Coal/fuel sales office	No	No	Yes	Yes
y	Convenience store with gasoline sales	No	Yes	Yes	Yes
z	Copy store, blueprinting, photostating, duplicating	Yes	Yes	Yes	Yes
A	Costume rental	Yes	Yes	Yes	Yes
B	Delicatessen	Yes	Yes	Yes	Yes
C	Department store	No	Yes	Yes	Yes
D	Dramatics school	Yes	Yes	Yes	Yes
E	Drapery-curtain store	Yes	Yes	Yes	Yes
F	Dressmaking	Yes	Yes	Yes	Yes
G	Drive-ins; refreshment stand, eating and/or drinking place (non-alcohol establishment)	Yes	Yes	Yes	Yes
H	Drugstore	Yes	Yes	Yes	Yes
I	Dry goods store	Yes	Yes	Yes	Yes
J	Electrical, appliance and fixtures, electronic instruments sales, repair and/or service	Yes	Yes	Yes	Yes
K	Employment agency or employment office	Yes	Yes	Yes	Yes
L	Fix-it shop, repair shop, for household items	Yes	Yes	Yes	Yes
M	Flooring, carpet repair and sales - small shop	Yes	Yes	Yes	Yes
N	Florist shop	Yes	Yes	Yes	Yes
O	Food Trucks	Yes	Yes	Yes	Yes
P	Fountain equipment supply, restaurant supply	No	Yes	Yes	Yes
Q	Frozen food lockers	No	Yes	Yes	Yes
R	Frozen food locker incidental to a main grocery store or food business	No	Yes	Yes	Yes
S	Fruit/fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	Yes	Yes	Yes	Yes
T	Furniture sales, and/or repair	Yes	Yes	Yes	Yes

U	Gift shop; hobby or crafts shop	Yes	Yes	Yes	Yes
V	Greenhouse, nursery; plant materials; soil & lawn service	Yes	Yes	Yes	Yes
W	Grocery; meat sales	Yes	Yes	Yes	Yes
X	Gunsmith	Yes	Yes	Yes	Yes
Y	Hardware store, not including the sale of lumber	Yes	Yes	Yes	Yes
Z	Hardware store, including the sale of lumber providing all lumber storage is in completely enclosed in a building	No	Yes	Yes	Yes
1	Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	No	Yes	Yes	Yes
2	Hospital supplies	No	Yes	Yes	Yes
3	Household cleaning/repair, household equipment sales and repairs	Yes	Yes	Yes	Yes
4	Ice cream shop; ice sales, retail sales and rentals	Yes	Yes	Yes	Yes
5	Ice manufacture, storage, and wholesale sales	No	Yes	Yes	Yes
6	Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage, not more than five (5) tons capacity	No	Yes	Yes	Yes
7	Insulation sales	No	Yes	Yes	Yes
8	Interior decorating store	Yes	Yes	Yes	Yes
9	Jewelry store	Yes	Yes	Yes	Yes
10	Kennel, conducted entirely within a soundproof and air conditioned building	No	Yes	Yes	Yes
11	Laundry, automatic self-help; laundry agency	Yes	Yes	Yes	Yes
12	Leather goods	Yes	Yes	Yes	Yes
13	Linen shop	Yes	Yes	Yes	Yes
14	Liquor and beer sales for on-premise consumption for restaurants, events	No	Yes	Yes	Yes
15	Liquor and beer sales for on-premise consumption, bars, night clubs, social clubs, taverns	No	No	No	No
16	Lithographing, including engraving, photo engraving	Yes	Yes	Yes	Yes
17	Lumber yard	No	No	Yes	Yes
18	Manufactured home sales and storage	No	No	Yes	Yes
19	Medical/dental clinic, laboratories, infirmary, immediate care facility	No	Yes	Yes	Yes
20	Military surplus store	No	Yes	Yes	Yes
21	Milk distributing station; sale of dairy products, excluding processing/bottling	Yes	Yes*	Yes	Yes

22	Mobile home sales and storage	No	No	Yes	Yes
23	Monument sales, retail	No	Yes	Yes	Yes
24	Mortuary, undertaking or funeral establishment	No	Yes	Yes	Yes
25	Motorboat sales	No	Yes	Yes	Yes
26	Music store	Yes	Yes	Yes	Yes
27	Neighborhood market	Yes	Yes	Yes	Yes
28	News stand; magazine shop; book store	Yes	Yes	Yes	Yes
29	Novelty shop, variety store	Yes	Yes	Yes	Yes
30	Nurses' agency, hospice and care service, excluding in-patient care	Yes	Yes	Yes	Yes
31	Office, business or professional	Yes	Yes	Yes	Yes
32	Office, supply; office machine sales, repair	Yes	Yes	Yes	Yes
33	Optometrist; oculist	Yes	Yes	Yes	Yes
34	Ornamental iron, sales only	Yes	Yes	Yes	Yes
35	Package agency	No	No	Yes	Yes
36	Painter/paint store	Yes	Yes	Yes	Yes
37	Pest extermination and control office	No	No	Yes	Yes
38	Pet shop	Yes	Yes	Yes	Yes
39	Photographer or photography shop, sales and service	Yes	Yes	Yes	Yes
40	Plumbing supply shop	Yes	Yes	Yes	Yes
41	Popcorn and/or nut shop	Yes	Yes	Yes	Yes
42	Printing, including engraving, photo engraving	Yes	Yes	Yes	Yes
43	Printing and small paper reproduction service	Yes	Yes	Yes	Yes
44	Radio and television sales and repair	Yes	Yes	Yes	Yes
45	Reception center and/or wedding chapel	Yes	Yes	Yes	Yes
46	Roofing sales	No	No	Yes	Yes
47	Rooftop mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes
48	Second-hand shop, antiques, conducted within a building or enclosure	Yes	Yes	Yes	Yes
49	Seed/feed store	No	Yes	Yes	Yes
50	Sewing machine shop	Yes	Yes	Yes	Yes
51	Sexually oriented businesses	No	No	No	Yes
52	Shoe shop; shoeshine; shoe repair	Yes	Yes	Yes	Yes

53	Sign painting shop	Yes	Yes	Yes	Yes
54	State liquor store	No	No	No	No
55	Stationary and greeting card sales	Yes	Yes	Yes	Yes
56	Tailor shop	Yes	Yes	Yes	Yes
57	Taxidermist	Yes	Yes*	Yes	Yes
58	Technical office for research and development, laboratory & research facility subject to the restrictions below: Limited manufacturing activity shall be considered an allowed accessory use to a technical research and development office, laboratory or research facility in a nonindustrial district provided that the following requirements are satisfied:				
	1. Such manufacturing activity is related to research and development activities of the principal use.	No	No	Yes	Yes
	2. No manufacturing activity customarily occurs within 50 feet of a residence or residential district.	No	No	Yes	Yes
	3. All manufacturing activity customarily occurs inside of buildings; however, outside research work and incidental outside fabrication of equipment to conduct outside experimentation shall be permitted.	No	No	Yes	Yes
	4. Outside research in nonindustrial districts should not customarily involve noxious activity which creates disturbances off of the premises.	No	No	Yes	Yes
	5. Manufacturing activity, excluding incidental fabrication of outside experiments, shall not occupy an area in excess 60 percent of the gross floor area of a building or group of associated buildings owned by the same establishment.	No	No	Yes	Yes
59	Tire shop, sales and repair	No	No	Yes	Yes
60	Tobacco shop - Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of any public or private schools, churches, libraries, public parks, or public recreational facilities.	No	No	Yes	Yes
61	Towel and linen supply service	No	No	Yes	Yes
62	Travel bureau	Yes	Yes	Yes	Yes
63	Upholstery shop	Yes	Yes	Yes	Yes
64	Variety store-retail only, notions	Yes	Yes	Yes	Yes
65	Vehicle, equipment, and property auction sales	No	No	No	Yes
66	Veterinary - providing operations are completely enclosed within an air-conditioned and soundproof building; In Neighborhood District only, no animals may be housed or treated outside of structure	Yes	Yes	Yes	Yes
67	Wallpaper store	Yes	Yes	Yes	Yes

Table 1.4. Dwellings, living quarters and long or short-term structures.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes
b	Assisted Living/Nursing Home	Yes	Yes	Yes	Yes
c	Construction equipment and supply trailer, temporary (with an active Building Permit)	Yes	Yes	Yes	Yes
d	Bed & Breakfast	Yes	Yes	Yes	Yes
e	Construction field office, temporary (with an active Building Permit)	Yes	Yes	Yes	Yes
f	Hotel, motel, inn	No	Yes	Yes	Yes
g	Recreational vehicle park	Yes	Yes	Yes	Yes
h	Rooftop mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes
i	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	Yes	Yes	Yes	Yes

Table 1.5. Industrial uses - for large facility for mass production.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes
b	Baking, ice cream making, and/or candy making (high volume, mass production)	No	No	Yes	Yes
c	Blacksmith shop	No	No	No	Yes
d	Boiler works	No	No	No	Yes
e	Bookbinding (large scale facility for mass production)	No	No	Yes	Yes
f	Bottling works	No	No	No	Yes
g	Breweries	No	No	No	Yes
h	Central mixing plant, related to construction industry for cement, mortar, plastering, or paving materials	No	No	No	Yes
i	Construction of building to be sold and moved off the premise	No	No	No	Yes
j	Dairy - large facility mass production	No	No	No	Yes

k	Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products and by-products are used	No	No	No	Yes
l	Foundry, casting light-weight non-ferrous metal	No	No	No	Yes
m	Honey extraction	No	No	No	Yes
n	Knitting mill	No	No	No	Yes
o	Laboratories	No	No	No	Yes
p	Laundry	No	No	No	Yes
q	Machine shop	No	No	Yes	Yes
r	Medical cannabis pharmacy (not allowed within 1,000 feet of a community location of 600 feet of a primarily residential zone).	No	No	No	No
s	Mobile/industrial food preparation	No	No	No	Yes
t	Monument works	No	No	Yes	Yes
u	Motion picture studio	No	No	Yes	Yes
v	Planing mill	No	No	Yes	Yes
w	Power generation (electrical) for on-site use, non-manufacturing:	No	Yes	Yes	Yes
	1. solar	No	Yes	Yes	Yes
	2. wind under 5,9 kva	No	Yes	Yes	Yes
	3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	No	Yes	Yes	Yes
	4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	No	Yes	Yes	Yes
	5. steam, hydro, or reciprocating engine with more than 150 kva	No	No	No	Yes
x	Publishing and contract printing	No	No	Yes	Yes
y	Rooftop mounted solar arrays, for their own facility use	No	Yes	Yes	Yes
z	Sandblasting	No	No	Yes	Yes
A	Saw mill	No	No	No	Yes
B	Solar energy systems - Manufacture of Solar systems.	No	No	No	Yes
C	Upholstering, including mattress manufacture rebuilding or renovating	No	No	No	Yes
D	Weaving	No	No	Yes	Yes
E	Welding shop	No	No	Yes	Yes

Table 1.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes
b	Automobiles and their associated parts	No	No	No	Yes
c	Bakery goods	No	No	Yes	Yes
d	Batteries	No	No	No	Yes
e	Billboards and commercial advertising structures	No	No	Yes	Yes
f	Blast furnace or foundry located at least 300 feet from any district boundary	No	No	No	Yes
g	Boats	No	No	No	Yes
h	Bone	No	No	No	Yes
i	Brass	No	No	No	Yes
j	Business machines	No	No	Yes	Yes
k	Cameras and photo equipment, film	No	No	Yes	Yes
l	Candles	No	No	Yes	Yes
m	Candy	No	No	Yes	Yes
n	Canvas, cloth, textiles, wood or yarn	No	No	Yes	Yes
o	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice stone and gypsum products	No	No	No	Yes
p	Cellophane	No	No	No	Yes
q	Cereal	No	No	No	Yes
r	Cork	No	No	No	Yes
s	Cosmetics	No	No	No	Yes
t	Dairy Products	No	No	Yes	Yes
u	Electric or neon signs	No	No	Yes	Yes
v	Electrical, electronic and communication instruments	No	No	No	Yes
w	Engineering, laboratory and scientific instruments, temperature controls	No	No	No	Yes
x	Feathers	No	No	No	Yes
y	Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)	No	No	Yes	Yes
z	Leather or hides	No	No	No	Yes
A	Meat products	No	No	Yes	Yes
B	Medical and dental instruments and supplies, optical instruments and lenses	No	No	No	Yes

C	Musical instruments	No	Yes*	Yes	Yes
D	Paint	No	No	No	Yes
E	Paper and paperboard products	No	No	No	Yes
F	Pharmaceuticals	No	No	No	Yes
G	Pipe for use in building construction or for sewer or drainage purposes (excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products) provided that such crushing facilities be located not closer than 200 feet to any property line	No	No	No	Yes
H	Plastics	No	No	No	Yes
I	Pottery, plaster, incidental plaster, plaster of paris, ceramic, and clay	No	No	Yes	Yes
J	Rooftop mounted solar arrays, for their own facility use	No	Yes	Yes	Yes
K	Rubber and metal stamps	No	No	No	Yes
L	Rubber or gutta-percha	No	No	No	Yes
M	Sheet metal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings)	No	No	No	Yes
N	Sheet metal heavy	No	No	No	Yes
O	Shell	No	No	No	Yes
P	Straw	No	No	No	Yes
Q	Toiletries	No	No	No	Yes
R	Toys	No	No	Yes	Yes
S	Wood	No	No	Yes	Yes

Table 1.7. Public and quasi-public uses.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes
b	Cemeteries	Yes	Yes	Yes	Yes
c	Church, synagogue, temple, mosque or place of worship	Yes	Yes	Yes	Yes
d	Clinics	No	Yes	Yes	Yes
e	College or university not exempt by statute	No	Yes	Yes	Yes
f	Dams and reservoirs	No	Yes	Yes	Yes
g	Hospital, public or private	No	Yes	Yes	Yes

h	Library	Yes	Yes	Yes	Yes
i	Museum	Yes	Yes	Yes	Yes
j	Noncommercial research facility	No	Yes	Yes	Yes
k	Parks, mini-golf, swimming pools and other recreation areas	Yes	Yes	Yes	Yes
l	Private road	Yes	Yes	Yes	Yes
m	Private/Charter schools	Yes*	Yes	Yes	Yes
n	Public buildings	Yes	Yes	Yes	Yes
o	Radio/television transmitting towers	No	No	Yes	Yes
p	Rooftop mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes
q	Vocational or other schools not exempted by statute	Yes*	Yes	Yes	Yes

Table 1.8. Recreation, camping and amusement.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes
b	Archery shop/range, if conducted in enclosed building	Yes	Yes	Yes	Yes
c	Amphitheatre	Yes	Yes	Yes	Yes
d	Athletic club; health club; athletic goods store; gymnasium	Yes	Yes	Yes	Yes
e	Bicycle shop and bicycle repair	Yes	Yes	Yes	Yes
f	Billiards or pool hall; commercial skating rink	Yes	Yes	Yes	Yes
g	Bowling alley	Yes	Yes	Yes	Yes
h	Bowling arena	Yes	Yes	Yes	Yes
i	Campground	Yes	Yes	Yes	Yes
j	Dance hall; dancing	Yes	Yes	Yes	Yes
k	Golf course; commercial miniature golf course;	Yes	Yes	Yes	Yes
l	Night club/social club	No	No	Yes	Yes
m	Recreational center, facilities or area that is private and/or commercial	Yes	Yes	Yes	Yes
n	Rooftop mounted solar arrays, for their own facility use	Yes	Yes	Yes	Yes
o	Swimming pool, commercial	Yes	Yes	Yes	Yes
p	Theater, indoor	Yes	Yes	Yes	Yes
q	Theater, outdoor Drive-in Movie, providing:	No	No	Yes	Yes

a. A solid fence or masonry wall with a minimum height of six feet shall be constructed on all sides;	No	No	Yes	Yes
b. Driveways and parking areas shall be provided with property maintained dustless surfaces;	No	No	Yes	Yes
c. Automobile off-street storage areas for automobiles awaiting entrance to theater shall have a capacity of at least fifteen percent of the number of auto parking spaces provided inside the theater;	No	No	Yes	Yes
d. Maximum area for single screen theater shall be ten acres, and the maximum area for a two screen theater shall be twelve acres.	No	No	Yes	Yes

Table 1.9. Storage, shipping, transporting and warehousing.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
a	Accessory buildings and uses customarily incidental to permitted uses	No	Yes	Yes	Yes
b	Bus terminal and railroad passenger station, intermodal terminal, public transit hub	No	No	No	Yes
c	Coal, fuel and wood yards	No	No	No	Yes
d	Contractors' equipment storage yard	No	No	No	Yes
e	Distribution center, parcel delivery center, delivery warehouse	No	No	No	Yes
f	Drive-it-yourself agency, car, equipment rental	No	No	Yes	Yes
g	Express office	No	No	Yes	Yes
h	Freight or trucking yard or terminal	No	No	Yes	Yes
i	Garage, public - such as airport parking, or specific to storage of vehicles	No	No	No	Yes
j	Impound lot with the following minimum conditions:	No	No	No	Yes
	1. A fence shall be constructed using non-view obscuring materials except if any side abuts a residential or rural-residential zoning district then a block wall is required;	No	No	No	Yes
	2. Minimum height of the fence shall be eight feet with a maximum height of 12 feet;	No	No	No	Yes
	3. All vehicles stored in impound lots shall be maintained on hard surfaces that are dustless and permanent; and	No	No	No	Yes
	4. Temporary storage of a vehicle shall be 6-months or less, except for the temporary storage of a vehicle being held by a law enforcement agency or the State Tax Commission.	No	No	No	Yes
k	Junk yard with the following minimum conditions:	No	No	No	Yes

	1. Every junkyard shall be enclosed by a continuous wall on the street sides that block the view from the street and a view obscuring fence on all other sides thereof;	No	No	No	Yes
	2. Minimum height of the wall eight feet with maximum height of 12 feet;	No	No	No	Yes
	3. No scrap or junk automobiles or other scrap or junk materials shall be stacked, stored, or piled to a height greater than the height of the wall enclosing the junkyard;	No	No	No	Yes
	4. Any openings in a fence or wall shall be fitted with a view-obscuring gate or door equipped with a least a key lock, or a combination padlock, or sliding bar, accessible only from inside the enclosure, located so as to lock the gate or door completely when not in use;	No	No	No	Yes
	5. No exterior display or storage of material or salvage parts or wrecked vehicles;	No	No	No	Yes
	6. There shall be no storage of tires except for tires that are on cars;	No	No	No	Yes
	7. No junkyard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash;	No	No	No	Yes
	8. No hazardous wastes shall be stored within any junkyard;	No	No	No	Yes
	9. Any oil, grease, or gasoline, must following EPA, state, federal guidelines for storage.	No	No	No	Yes
	10. All fuels and other liquids shall be drained from any vehicle prior to storage or disposal;	No	No	No	Yes
	11. There shall be at least two off-street loading areas of no less than 14 feet x 40 feet located within the walls; and	No	No	No	Yes
	12. A fire access with compacted gravel surface shall be around the entire perimeter within the fenced area of the junkyard with a clearance of at least 20'.	No	No	No	Yes
I	Rooftop mounted solar arrays, for their own facility use	No	Yes	Yes	Yes
m	Storage units, self-service storage	No	No	Yes	Yes
	1. Without outside storage	No	No	Yes	Yes
	2. With off-premises outside self-service storage	No	No	Yes	Yes
	3. Dwelling unit for on-site manager with stipulations.	No	No	Yes	Yes
	a. The manager/caretaker must reside in the residence.	No	No	Yes	Yes
	b. The site must be landscaped so as to minimize the impact on neighboring properties and in order to retain the character of the neighborhood.	No	No	Yes	Yes
	c. The establishment shall conform to all applicable fire, building, and health codes.	No	No	Yes	Yes

	d. The housing shall be attached to the main structure and the exterior design shall be compatible with the existing main structure through architectural use of building forms, construction materials, colors, landscaping, or other methods that conform to acceptable construction practices.	No	No	Yes	Yes
	e. The housing unit shall have the same address as the main structure.	No	No	Yes	Yes
	f. The housing unit shall not be sold separately.	No	No	Yes	Yes
	g. The maximum height restriction shall not exceed thirty-five (40) ft.	No	No	Yes	Yes
	h. Two parking spaces shall be provided for the manager and caretaker. No off-site parking will be accepted for parking requirements.	No	No	Yes	Yes
	i. No entrance/exit can lead directly into the manager/caretaker dwelling unit.	No	No	Yes	Yes
n	Terminal, parking and maintenance facilities	No	No	No	Yes
o	Transfer company	No	No	No	Yes
p	Warehouse	No	No	No	Yes

Table 1.10. Utilities and utility services.

#	Use	Neighborhood N*	Highway H	General G	Industrial IND
A	Accessory buildings and uses customarily incidental to permitted uses	Yes	Yes	Yes	Yes
B	Essential service facilities	Yes	Yes	Yes	Yes

* Permitted uses marked with asterisk are permitted as small-scale establishments as defined by Lake Point ordinances.

HISTORY:

ORD. NO. [2023-23](#), 9/27/2023

13.5.2 Prohibited Uses

All uses not expressly made or designated as permitted within a particular zoning district are prohibited. The specification of certain uses as not permitted within a particular zoning district shall not limit or waive this prohibition.

HISTORY:

ORD. NO. [2023-23](#), 9/27/2023

13.5.3 Purpose - Commercial Zoning Districts

1. **Purpose of Commercial Neighborhood (CN) zoning districts.** The purpose of Commercial Neighborhood (CN) zoning districts are to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. Business facilities in this zone should reflect the look and feel of a rural agricultural atmosphere such as country, cottage, rustic, farmhouse, lodge design elements. Businesses are to be family friendly and of the nature that may be found near public or private schools, churches, libraries, public parks, and public recreational facilities. The regulations of this district are intended to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents. It is encouraged to create a vital pedestrian design component that creates open space for pedestrians such as walking paths/trails that connect various businesses in the district, landscaping around the building to create open country feel and benches throughout that invites leisure enjoyment in the area and clear crossings that increase safety and reduce competition with traffic. Connections between parking lots is also encouraged to allow traffic to move from business to business where feasible, reducing traffic congestion on the roadway.
2. **Purpose of Commercial Highway (CH) zoning districts.** The purpose of Commercial Highway (CH) zoning districts are to provide areas in appropriate locations adjacent to highways or major streets where a combination of businesses, commercial, entertainment, and related activities, as well as activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers, office buildings, and professional services and encourage harmony between traffic needs and centers for retail commercial, entertainment, and other appropriate highway-related activities. It is encouraged to create a vital pedestrian design component that creates open space for pedestrians such as walking paths/trails that connect various businesses in the district, landscaping around the building to create open country feel and benches throughout that invites leisure enjoyment in the area and clear crossings that increase safety and reduce competition with traffic. Connections between parking lots is also encouraged to allow traffic to move from business to business where feasible, reducing traffic congestion on the roadway.
3. **Purpose of Commercial General (CG) zoning districts.** The purpose of Commercial General (CG) zoning districts are to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities, as well as automotive facilities, light manufacturing, light industrial processes, and light warehousing not producing objectionable effects may be established, maintained and protected. Regulations of this district are designed to protect the environmental quality of the district and adjacent areas and provide a suitable environment for those commercial and service uses that are vital to economic life, some of which would be more intrusive and disruptive than those in the Commercial-Highway district.

HISTORY:

ORD. NO. [2023-24](#), 10/4/2023

13.5.4 Development Restrictions In Commercial Zones

The following restrictions and regulations apply to all development and use of property in all commercial zoning districts:

1. Minimum lot size: The minimum lot size shall be 0.25 acres or the minimum size required to provide for the planned use, size and number of buildings, size and number of accessory or supporting structures, utilities, setbacks, parking, buffering, landscaping, and other requirements of the zone and other applicable land use regulation.
2. Setback Requirement: Minimum setback requirements are as follows:
 - a. Main and Accessory Building Setbacks:
 - i. Front: The minimum front setback is 30 feet. This requirement may be reduced following approval by the Lake Point Planning Commission, down to 5 feet. Further reduction shall not be approved except pursuant to a variance.
 - ii. Rear or Side: The minimum rear or side setback is 0 feet, or 50 feet if adjacent to residential zoning or uses within Lake Point city boundaries.
 - b. Corner Lots - Main and Accessory Building Setbacks:
 - i. First and Second Front: The minimum front setback is 30 feet. This requirement may be reduced following approval by the Lake Point City Planning Commission, up to 5 feet. Further reduction shall not be approved except pursuant to a variance.
 - ii. Rear or Side: The minimum rear or side setback is 0 feet, or 50 feet if adjacent to residential zoning or uses within Lake Point city boundaries.

3. Setback Reduction. The minimum front, rear, or side yard setback for commercial buildings may be reduced in connection with the review and approval of a site plan for commercial site. Approval of a reduction in setbacks shall be discretionary, and no applicant shall be entitled to a reduction. A reduction shall not be granted if there are reasonably feasible alternative site configurations. Nothing herein restricts the right of any applicant to seek a variance regarding setbacks. The reduction may be granted if there is good cause for the reduction and the land use authority finds that each of the following requirements or circumstances are satisfied:

- a. The site, in consideration with adjacent roadways and properties, has topographical, access, or other physical obstacles or features that require the adjustment of setbacks to obtain the most beneficial and attractive use of the site.
- b. The reduction will not place a commercial building closer than fifty (50) feet to a residential district boundary line within Lake Point city boundaries. Any reduction to this or another setback requirement shall require the applicant to propose a plan with justification and mitigation strategies to be reviewed and approved by the land use authority. The land use authority may impose mitigation requirements to offset the impact of a setback reduction that are in addition to or different from the plan proposed by the applicant. Such mitigation efforts may include reduction in maximum building height, requirement for residential-style design, screening and buffering requirements in the form of walls, fences, berms, vegetation, or other buffers, limitations on location and intensity of lighting and signage, and other efforts that reduce the impact of the use on adjacent properties.
- c. All drainage facilities; utility meters, lines, and other facilities; roof, window, and other projections of the building remain within the site and do not cross the property line. Water and runoff shall not be permitted to drain onto adjacent properties except in approved stormwater facilities.
- d. Fire code separation distances are satisfied.
- e. The portion of the building within the reduced setback area shall not interfere with or negatively impact the use of the property adjacent to the site area with the reduced setback.
- f. The proposed site and building comply with all other setbacks, lot coverage, and other land use regulations.
- g. The applicant has notified the property owner(s) adjacent to the portion of the site with the proposed reduced setback.

4. Other Regulations.

- a. No building shall be located closer than 50 feet to any residential district boundary line within Lake Point city boundaries, unless expressly authorized herein, and no building shall encroach on any public utility, drainage, water conveyance, right of way, or other easement.
- b. Commercial sites adjacent to property zoned for residential use shall include a minimum six (6) foot screen, or the maximum height allowed by applicable clear view regulations, consisting of attractive fencing, hedges, or other barrier, to screen the commercial use along the property line adjacent to the residential property within Lake Point city boundaries. The screen shall not extend within the front setback area of a lot or parcel unless required by the Utah State Department of Transportation.
- c. Buildings and structures shall cover no more than 30% of the lot or parcel area within the CN zoning district, 40% of the lot or parcel area within the CH zoning district, and 50% of the lot or parcel area within the CG zoning district. Regardless of these coverage requirements, buildings and structures shall not occupy area required for parking, loading areas, required landscaping, or other required improvements.
- d. Any area outside of a building used for storage shall be completely enclosed within a building, structure, shipping container, or a solid fence or wall of a height sufficient to completely screen such activity from the street and from adjoining parcels. This shall not apply to goods displayed for sale.
- e. All uses shall be free from objectionable noise, hazards, or nuisances that may affect neighboring properties.
- f. Waste collection containers shall be provided for each lot or parcel and shall be screened from view. No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within forty (40) feet of any residential use or zone.

5. On- and Off-Site Improvements. Improvements required by the Planning Commission may include:

- a. street grading;
- b. street base;
- c. curb and gutter;
- d. sidewalk; trails
- e. parking;
- f. lighting in accordance with Lake Point Dark Skies ordinance;
- g. landscaping;
- h. on-site surface drainage facilities;

- i. culinary water facilities;
 - j. wastewater disposal and facilities for the proper disposal of oil, grease, and other hazardous waste;
 - k. street monuments; and
 - l. any other infrastructure deemed necessary including but not limited to development of a frontage road along highway 36 following approval by the Lake Point City Planning Commission.
6. Site Plan Required. All new uses, and all changed or expanded uses that require alteration, modification, construction, or demolition of any portion of the existing site or a building thereon, shall receive approval of a site plan prior to commencing the use or obtaining a building permit. This shall not restrict maintenance of a site or landscaping of a site in accordance with applicable land use regulations.
7. Maximum building heights. The maximum building height in all commercial zones shall be 40 feet. For anything over 40 feet, a plan with justification and mitigation strategies is required and shall be presented to the Planning Commission for recommendation to the City Council, as described in Section 4(3).
8. Small Scale Establishment. Uses required to be developed as a small scale establishment shall comply with the following requirements in addition to the other requirements set forth herein:
- a. Facilities and structures within the Neighborhood Commercial District shall reflect the look and feel of a rural agricultural atmosphere with country, cottage, rustic, farmhouse, lodge design elements.
 - b. Facilities, structures, and landscaping shall incorporate design elements that reduce the impact of the use on traffic, light and vision corridor access, parking, and noise.
 - c. Facilities, structures, and landscaping are encouraged to incorporate and facilitate pedestrian access to the facilities and adjacent properties.
 - d. Facilities and structures shall be cottage or boutique-style structures and design, being reduced in size and scope from traditional big-box development and from the average size and scope of state- or nation-wide commercial development of a similar type of use.
 - e. The maximum height of structures from average finished grade shall be a maximum height of 40 feet and limited to two stories.

HISTORY:

ORD. NO. [2023-24](#), 10/4/2023

13.5.5 Purpose Of Industrial (IND) Zoning Districts

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

HISTORY:

ORD. NO. [2023-24](#), 10/4/2023

13.5.6 Development Restrictions In Industrial Zones

The following restrictions and regulations apply to all development and use of property in industrial zoning districts:

1. Minimum lot size: The minimum lot size shall be 0.25 acres or the minimum size required to provide for the planned use, size and number of buildings, size and number of accessory or supporting structures, utilities, setbacks, parking, buffering, landscaping, and other requirements of the zone and other applicable land use regulation.
2. Setback Requirement: Minimum setback requirements are as follows:
 - a. Main and Accessory Building Setbacks:
 - i. Front: The minimum front setback is 30 feet. This requirement may be reduced following approval by the Lake Point Planning Commission, down to 5 feet. Further reduction shall not be approved except pursuant to a variance.
 - ii. Rear or Side: The minimum rear or side setback is 0 feet, or 50 feet if adjacent to residential zoning or uses within Lake Point city boundaries.
 - b. Corner Lots - Main and Accessory Building Setbacks:

- i. First and Second Front: The minimum front setback is 30 feet. This requirement may be reduced following approval by the Lake Point Planning Commission, down to 5 feet. Further reduction shall not be approved except pursuant to a variance.
 - ii. Rear or Side: The minimum rear or side setback is 0 feet, or 50 feet if adjacent to residential zoning or uses within Lake Point city boundaries.
3. Setback Reduction. The minimum front, rear, or side yard setback for industrial or commercial buildings may be reduced in connection with the review and approval of a site plan for an industrial or commercial site. Approval of a reduction in setbacks shall be discretionary, and no applicant shall be entitled to a reduction. A reduction shall not be granted if there are reasonably feasible alternative site configurations. Nothing herein restricts the right of an applicant to seek a variance regarding setbacks. The reduction may be granted if there is good cause for the reduction, and the land use authority finds that each of the following requirements or circumstances are satisfied:
 - a. The site, in consideration with adjacent roadways and properties, has topographical, access, or other physical obstacles or features that require the adjustment of setbacks to obtain the most beneficial and attractive use of the site.
 - b. The reduction will not place an industrial or commercial building closer than fifty (50) feet to a residential district boundary line within Lake Point city boundaries. Any reduction to this or another setback requirement shall require the applicant to propose a plan with justification and mitigation strategies to be reviewed and approved by the land use authority. The land use authority may impose mitigation requirements to offset the impact of a setback reduction that are in addition to or different from the plan proposed by the applicant. Such mitigation efforts may include reduction in maximum building height, requirement for residential-style design, screening and buffering requirements in the form of walls, fences, berms, vegetation, or other buffers, limitations on location and intensity of lighting and signage, and other efforts that reduce the impact of the use on adjacent properties.
 - c. All drainage facilities; utility meters, lines, and other facilities; roof, window, and other projections of the building remain within the site and do not cross the property line. Water and runoff shall not be permitted to drain onto adjacent properties except in approved stormwater facilities.
 - d. Fire code separation distances are satisfied.
 - e. The portion of the building within the reduced setback area shall not interfere with or negatively impact the use of the property adjacent to the site area with the reduced setback.
 - f. The proposed site and building comply with all other setbacks, lot coverage, and other land use regulations.
 - g. The applicant has notified the property owner(s) adjacent to the portion of the site with the proposed reduced setback.
4. Other Regulations.
 - a. No building shall be located closer than 50 feet to any residential district within Lake Point city boundaries, unless expressly authorized herein, and no building shall encroach on any public utility, drainage, water conveyance, right of way, or other easement.
 - b. Commercial and industrial sites adjacent to property zoned for residential use shall include a minimum six (6) foot screen, or the maximum height allowed by applicable clear view regulations, consisting of attractive fencing, hedges, or other barrier, to screen the use along the property line adjacent to the residential property within Lake Point city boundaries. The screen shall not extend within the front setback area of a lot or parcel unless required by Utah State Department of Transportation.
 - c. Buildings and structures shall cover no more than 50% of the lot or parcel area. For anything over 50% coverage, a plan with justification and mitigation strategies is required and shall be presented to the Planning Commission for recommendation to the City Council, in accordance with Section 4(3). Regardless of these coverage requirements, buildings and structures shall not occupy area required for parking, loading areas, required landscaping, or other required improvements.
 - d. All uses shall be free from objectionable noise, hazards and nuisances that may affect neighboring properties.
 - e. Waste collection containers shall be provided for each lot or parcel and shall be screened from view. No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within forty (40) feet of any residential use or zone.
5. On- and Off-Site Improvements. Improvements required by the Planning Commission may include:
 - a. street grading;
 - b. street base;
 - c. curb and gutter;
 - d. sidewalks; trails
 - e. parking;
 - f. lighting in accordance with Lake Point Dark Skies ordinance;

- g. landscaping if business fronts a main road;
 - h. on-site surface drainage facilities;
 - i. culinary water facilities;
 - j. wastewater disposal and facilities for the proper disposal of oil, grease, and other hazardous waste;
 - k. street monuments; and
 - l. any other infrastructure deemed necessary including but not limited to development of a frontage road along highway 36 following approval by the Lake Point City Planning Commission.
6. All new uses, and all changed or expanded uses that require alteration, modification, construction, or demolition of any portion of the existing site or a building thereon, shall receive approval of a site plan prior to commencing the use or obtaining a building permit. This shall not restrict maintenance of a site or landscaping of a site in accordance with applicable land use regulations.
7. Maximum building heights. The maximum building height in all industrial zones shall be 40 feet. For anything over 40 feet, a plan with justification and mitigation strategies is required and shall be presented to the Planning Commission for recommendation to the City Council, as described in Section 6(3).

HISTORY:

ORD. NO. [2023-24](#), 10/4/2023

13.5.7 Exemption From Area Requirements

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

1. The parcel shall have legal access to it.
2. A conservation easement or deed restriction shall be given to Lake Point City that will prohibit any use or structure from being placed on the property than those listed in this section.
3. The site shall be fenced and approved through the Planning Commission.
4. Where a residential or manned structure is within 800 feet, the site shall be large enough to that the height of the tallest structure placed in a vertical position from its base, plus ten feet, will mark the minimum property edge.
5. The site shall have chain link fencing as the standard requirement for perimeter fencing, supplemented by drought-resistant landscaping and trees for screening purposes. However, alternative fencing materials may be employed as necessary to enhance both the screening and security of the property. The choice of alternative fencing materials shall be determined based on the specific utility installation and its screening and security requirements.
6. The site shall comply with all building, construction, fire, safety, and health requirements.
7. The applicant or landowner shall comply with the subdivision ordinance.

HISTORY:

ORD. NO. [2023-24](#), 10/4/2023

13.6 Supplemental Regulations For The Use, Development, And Management Of Land In All Zones

13.6.1 General Application Of Regulations

1. The regulations set forth in this Ordinance shall be supplemental and in addition to all other land use regulations, and they shall apply to all zones and districts within Lake Point except where expressly superseded or exempted by this Ordinance or by the specific regulations for a particular zone or district.

2. Notwithstanding the foregoing, the standards, regulations, entitlements, and terms set forth herein shall not apply to any property for which a development agreement or other similar contract that establishes and vests development standards and rights has been, prior to the incorporation of Lake Point, executed and recorded for against title to the particular property. The zoning standards, regulations, entitlements, and terms for such property subject to a development agreement or other similar contract shall be as set forth in the applicable, recorded agreement or contract. The owner of such property subject to a development agreement or other similar contract may request that the City enter into a development agreement that modifies the vested development standards and rights established under the development agreement or other similar contract in accordance with state law.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.2 Definitions

The general definitions adopted by Lake Point apply herein, with the following additions or modifications:

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.3 Review Procedures And Land Use Authority

1. The City Council shall serve as the land use authority for all land use applications except for building permits, construction and civil plans, subdivision plats, and other land use applications expressly authorized by ordinance to be approved by a different city-approved person or entity.
2. Land use applications shall be considered complete upon the applicant's payment of all applicable fees.
3. Applicants are required to advance their land use applications and projects toward either approval or denial in a reasonably expeditious manner. After approval, they must diligently implement the approved plans. In cases where no specific timeframe(s) for the expiration or termination of land use applications or approvals are outlined, the application or approval shall lapse and be terminated as set forth below:
 - a. Pending land use application for which no fees have been paid shall lapse if fees are not paid within 14 days of filing.
 - b. Pending land use applications for which fees have been paid that remain inactive for 180 days may be terminated upon 14 days' written notice.
 - c. Issued land use approvals may be terminated, and the approval revoked, expired, and terminated, upon 14 days' written notice if the applicant fails to carry out the approval within 180 days of the issuance of the approval, or if the applicant suspends or abandons the approved project for a period of 180 days after beginning.
 - d. Delays or inactivity caused by the city shall not result in terminating a land use application or approval for inactivity.
 - e. The land use authority may grant up to two extensions if the applicant can demonstrate good cause for the delay.
 - f. Upon expiration, revocation, or lapse of an application or approval, no fees shall be refunded. The applicant must begin the application and approval process again, including resubmission of any required applications and payment of any applicable fees. Such application shall be subject to all ordinances, regulations, and standards in effect at the time of submission.
 - g. Diligence. Each application shall be actively pursued to completion. Any application that exceeds the time limits stated in this title will be deemed null and void and all vested rights shall be waived by the applicant for that application. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make progress within 180 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of application.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.4 Fencing, Walls And Hedges

1. Fences, walls and hedges may be erected to a permitted building height of six (6) feet. When required by the Building Code, a building permit shall be required prior to construction.
2. View-obscuring fences, walls, and hedges may not exceed three feet in height within any required front yard. Corner lots in residential zones are allowed a view obscuring fence, on the side of the house that does not face the street only, up to six feet in height at the property line provided the fence is at no time located less than 5 feet behind the front facade. No fences, walls, or hedges over three feet in height may be located in the clear view zone.
3. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
4. Masonry or concrete fencing is required along any state road highway for all proposed residential developments. The plan must include a masonry or concrete fence for public safety and noise reduction of minimal height of 6 feet, maximum height of 8 feet. This fence must be installed within the back yards of lots by the developer, and the fence shall be owned and maintained thereafter by the owner of the lot.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.5 Parking

1. General Requirements.
 - a. The minimum off-street parking spaces required by the applicable zoning regulation shall be provided for any use of land or main building or structure in the city. Parking facilities shall be provided at the time the use is established or the building erected.
 - b. No building or structure shall be enlarged, altered, or converted unless there is provided and thereafter maintained for such building and its use the minimum number of required parking spaces.
 - c. Space for off-street parking being used in connection with an existing building shall not reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking. Parking areas shall be maintained in perpetuity as long as the requirement for off-street parking is needed, provided that parking areas may be relocated or redesigned, so long as there is no reduction of parking spaces.
2. Parking Location. Parking spaces and areas shall be located on the same lot or parcel as the main building or structure, unless a valid easement, covenant, declaration or other instrument is executed and recorded by all affected property owners granting a perpetual right to use adjacent property for parking areas, access, and maintenance.
3. Reciprocal Parking.
 - a. Up to 25 percent of the parking facilities required for uses considered to be primarily daytime uses may be provided by the parking facilities for uses considered to be primarily night-time uses or vice versa.
 - i. A use shall be considered to be a primarily day-time or night-time use based on information submitted by the applicant.
 - ii. A use may be considered a day-time use if the majority of activity associated with the use ends no later than 6:00 p.m. each day.
 - iii. A use may be considered a night-time use if the majority of activity associated with the use begins no earlier than 4:00 p.m. each day.
 - iv. Residential uses shall not be considered either day-time or night-time uses, may not be served by reciprocal parking, and shall require parking spaces separately dedicated for the residential use.
 - b. Reciprocal parking areas shall be contiguous and the joint use of such facilities by different buildings, properties, or uses must be assured by easements, declarations, and/or covenants recorded against each affected property that provide that the parking areas shall not be removed or reduced and establish the terms by which the properties will share in the use and maintenance of the parking areas and related accesses and landscaping.
4. Parking Spaces and Dimensional Standards for Off-Street Parking.
 - a. Alignment of parking spaces to require tandem/double parking (two vehicles end-to-end), where each space is not accessible from a separate drive aisle, shall not be allowed except for single-family and other residential dwellings.
 - b. All handicapped parking spaces shall be provided and designed in accordance with the 2003 American National Standard, as now or hereafter amended. Parking areas with 1 to 100 spaces shall provide 1 accessible space per 25 parking spaces, and parking areas with over 100 spaces shall provide 1 accessible space per 50 parking spaces.

- c. Parking Stall Dimensions: A standard angles or perpendicular parking space on a paved or concrete surface, gravel or similar surface shall measure a minimum of ten feet (10') in width by twenty feet (20') in length. The minimum length may be reduced to eighteen feet (18') when an additional space of two feet (2') is provided for the front overhang of vehicles (e.g., overhanging a curb, sidewalk, wheel stop, landscaped area or combination thereof). Any front overhang of a vehicle may not reduce the clear width of an adjacent sidewalk or ADA accessible route to less than four feet (4') in width. The minimum dimensions for an off street parallel parking space shall be nine feet (9') wide by twenty two feet (22') long.
- d. Standards For Parking Rows And Aisles: Parking lot rows and aisles shall meet the following minimum dimensional requirements, as set forth in table 2 of this section. Refer to subsection A of this section for which minimum stall width and length is applicable to the parking lot.

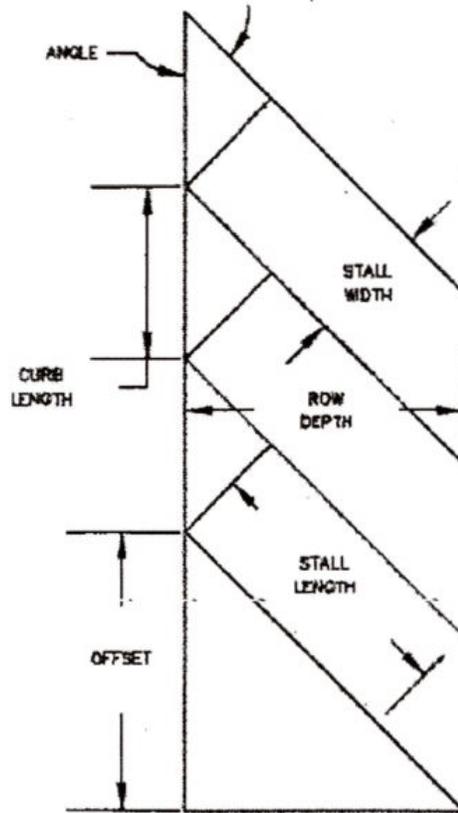


TABLE 2:

Parking Angle	Stall Width in Feet	Stall Length in Feet	Row Depth in Feet	Offset in Feet (1)	Front Overhang in Feet, Measured Perpendicular to Curb	Curb Length in Feet	Minimum Aisle Width
0 degrees (Parallel)	9.0	22.0	9.0	None	n/a	22.0	12 feet on-way 24 feet two-way
30 degrees	10.0	18	17.1	30.6	1.0	20.0	12 feet on-way 24 feet two-way

		20	18.7	32.3	None		
45 degrees	10.0	18	19.8	19.8	1.6	14.1	13 feet on-way 24 feet two-way
		20	21.2	21.2	None		
60 degrees	10.0	18	20.6	11.9	1.7	11.5	18 feet on-way 24 feet two-way
		20	22.3	12.9	None		
90 degrees	10.0	18	18	None	2.0	10.0	24 feet two-way
		20	20	None	None		

5. Access.

- a. Drive aisles providing access to parking shall be a minimum of twenty feet between ninety-degree parking spaces or a minimum of fifteen feet between forty-five-degree parking spaces, unless the aisle is determined to be a fire access road and additional width is required by fire code.
- b. Parking areas shall have access on public roads or approve private roads, and such access shall be a minimum width of 20 feet for non-residential properties and 8 feet for residential properties.
- c. All commercial and institutional parking facilities shall have direct access to a street without backing into the right-of-way.
- d. Generally, a minimum of two access points from public roads are required in accordance with fire code, however, exceptions may be considered for engineered designs that demonstrate equivalent safety measures, provided the exceptions and designs are approved by the fire department and satisfy fire code.
- e. Not more than two driveways or accesses shall be used for each one hundred feet (100') of frontage for non-residential properties.
- f. No driveway or access shall be provided closer than twenty feet (20') to any intersection or other driveway or access for non-residential properties, and within to fourteen (14') for residential properties.
- g. Driveways or access to parking spaces that cross swales, ditches, canals, or other water conveyance facilities shall bridge, pipe, or culvert the conveyance facility in accordance with city or other owner of the conveyance facility's standards.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.6 Lighting

The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much nighttime lighting is needed results in better lighting practices, darker skies and reduced energy use and costs. Lake Point City encourages lighting practices and systems which will: minimize light pollution, glare, glow, and excessive glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment. In line with our commitment to responsible lighting, we encourage all new developments, land uses, and buildings or structures to adopt hooded lighting practices and adhere to best practices for Dark Sky cities, including such practices as may be required by the Dark Skies Ordinances.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.7 Landscaping/Buffering

1. The purpose of landscaping is to promote the following:
 - a. Water-wise beautification of the city.
 - b. Natural cooling affect and improves air quality
 - c. Provides transition and buffering between various zones
 - d. Protects from soil erosion
 - e. Screening of parking, loading, utility, and other similar improvements.
2. Park strips, swales, and other similar landscaped areas within a public right of way that fronts on private property shall be maintained by the owner or resident of the adjacent private property.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.8 Construction And Occupancy; Site Plans

1. The construction, alteration, erection, placement, or removal of any building or structure containing utilities, 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. A site plan must be approved prior to the issuance of building permits. Applications for building permits may be submitted contemporaneously with a site plan, provided that the building permit will not be approved prior to the approval of the site plan.
4. The applicant for any construction shall be solely responsible for coordinating and obtaining approval of and installing all utility connections, extensions, and facilities. Connections shall be installed in accordance with the standards of the servicing utility. In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system as defined by the Utah State Department of Environmental Quality is not available, and in all situations where a connection to a public water system approved by the Utah State Department of Environmental Quality is not available the sewage disposal and the domestic water supply shall comply with the requirements of Tooele County Health Department. The application for a building permit shall be accompanied by a certificate or other documentation of approval from the Tooele County Health Department and other utility servicing entities.
5. Any area outside of a building used for storage shall be completely enclosed within a building, structure, shipping container, or a solid fence or wall of a height sufficient to completely screen such activity from the street and from adjoining parcels. This shall not apply to goods displayed for sale.
6. A stop work order shall be put on the project, and any building or other construction thereon, if any improvements are inconsistent with the approved site plan.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.9 Off-site Improvements

1. The applicant for a site plan or building permit shall provide for the installation of swales (proper drainage and or water retention) 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, changed, or expanded use is to be established. Such improvements may be required as a condition of a building permit, site plan, or use permit approval.

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

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.10 Buildable And Non-Conforming Lots

1. Every lot shall have such area, width and depth as is required for the zoning district in which such lot is located in order to be a buildable, lawful lot.
2. Any lot created through an exemption from the subdivision requirements, including those exemptions under Utah Code §10-9a-605 and Utah Code §17-27a-605, and any other lot or parcel created without being platted on an approved subdivision plat, is not a buildable lot for a residential dwelling or use, unless the lot or parcel meets the definition of a buildable lot. To become a residential building lot, the lot or parcel shall first be subdivided, created, and recorded on a subdivision plat.
3. Any lot or parcel, other than those described in section 2 herein, lawfully subdivided and approved by the relevant land use authority, and which does not meet the size, frontage, or other requirements of the zoning district in which it is located, may be used for a single-family dwelling if it is located in a zoning district that permits single family dwellings. Such use shall conform to the applicable setback requirements for the zoning district.
4. Except as expressly authorized, each building shall be placed and maintained on a separate and buildable lot or parcel.
5. No building permit shall be issued for a building on a lot or parcel that does not have frontage upon or access to a publicly dedicated street or an approved private street. Lots used solely for the provision of essential services may be accessed via a recorded perpetual easement.
6. No lot for dwelling use shall be created which is more than three times as deep as it is wide, provided that, in the RR1 district, the City may approve the creation such lots if the applicant proves that a deeper lot is the most judicious configuration of the property, but in no case shall be 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.
7. Lots divided by zone boundaries. A lot or parcel divided by a zone boundary shall be subject to the following special regulations:
 - a. The uses allowed on any portion of a lot or parcel shall only be those allowed in the district in which such portion of the property is located, and a use allowed within one portion of the property shall not extend across the zone boundary unless such use is also permitted in the adjacent zone, except as otherwise authorized herein.
 - b. A use allowed in the less restrictive zone but not allowed in the more restrictive zone may be allowed to extend into the more restrictive zone by up to 50 feet with the approval of the land use authority, if the land use authority finds that the extension is required for the reasons of justice and equity and will not be harmful to neighboring property, the intent of the applicable zoning regulations, and the city's general plan.

- c. Parking areas, vehicular and pedestrian access, landscaping, fencing, utility lines and facilities, and similar improvements that serve a use permitted within one portion of a lot or parcel may be extended through other portions of the property, even if the use being served is not permitted in the zone applicable to such other portions. Structures and builds that are permitted within one portion of a lot or parcel shall continue to be permitted, even if the use or purpose of such structures or buildings is to support or serve a use within a different portion of the lot or parcel, where the use is not permitted on the first portion.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.11 Yards

1. No required yard, setback area, or other open space required for a particular lot, parcel, or building shall be considered as providing a yard, setback area, or open space for another building or property, nor shall any yard, setback area, or other required open space on an adjoining property be considered as providing a yard, setback area, or open space for the property on which a building is to be erected or established.
2. Effect of official map. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped property line facing the street as provided by the official map.
3. Every part of a required yard shall be unobstructed and open to the sky, except for:
 - a. Permitted accessory buildings and structures;
 - b. The ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet, provided such projections do not cross the property line;
 - c. Trees and other vegetation; and
 - d. Projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet, provided such projections do not cross the property line.
 - e. In no case shall a stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.12 Clear View Of Intersecting Streets And Sight Triangle Requirements

1. Clear Vision Area. No structure, building, fence, wall, hedge, or other visual obstruction in excess of three (3) feet 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 of forty (40) feet from the intersection of the streets, which points are located on the closest edge of the street to the lot. Pole signs and a reasonable number of trees pruned to at least ten feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians are permitted.
2. No structure, building, fence, wall, hedge, or other visual obstruction in excess of three (3) feet in height shall be placed closer than 14 feet to a neighboring driveway.
3. Where there is a difference in the grade of the properties related to the sight-triangle area or driveway, the height of a structure, building, fence, wall, hedge, or other visual obstruction shall be measured from the higher side.
4. There shall be no structure, building, fence, wall, hedge, or other physical obstruction within three (3) feet of any fire hydrant.
5. 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.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.13 Retail Tobacco Specialty Business Prohibited

1. Definitions: Retail tobacco specialty business, tobacco paraphernalia, and tobacco product have the same meaning as defined in Utah code section 10-8-41.6, as amended.
2. Prohibition:
 - a. The establishment and/or operation of a retail tobacco specialty business is prohibited in all areas of Lake Point.
 - b. Lake Point shall not issue a business license to any retail tobacco specialty business for use in any zone.
 - c. The use of a properly obtained business license for the operation of a retail tobacco specialty business in any zone in Lake Point is prohibited.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.14 Solar Energy Systems

1. Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, where the energy provided by the solar energy system to off-site uses or structures is de minimis, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks and height restrictions that are required for the building.
2. This section does not authorize the construction or installation of solar energy systems that are principally intended or used to provide energy to uses or structures on other property.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.15 General Regulations

1. The city and all land use applicants are bound by and shall comply with all mandatory provisions of Lake Point land use, zoning, construction, and development ordinances, standards, codes, and regulations.
2. All departments, officials and public employees of Lake Point which are vested with the duty or authority to review, issue permits or licenses shall conform to the provisions of this land use ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would conflict with the provisions thereof. Any permit or license, if issued in conflict with the provisions of this land use ordinance, shall be null and void.
3. No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged except as authorized by applicable Lake Point regulations. No land, building or structure shall be used for any purpose not allowed in the zone in which such land, building or structure is located unless it is grand-fathered. This shall not restrict the use of land or the alteration, enlargement, or construction of buildings and structures for greenbelt and similar agricultural uses, as defined by the Utah Farmland Assessment Act and for uses and construction exempted under state construction code.
4. Fees shall be charged to applicants for building, occupancy, conditional user permits, zoning approvals, site and design review, subdivisions, planned unit development approval, hearings, appeals, and such other services required by this land use ordinance to be performed by public officers or agencies, as established by resolution in amounts reasonably necessary to defray costs to the public and the city.
5. This land use ordinance shall not nullify the more restrictive provisions of covenants, agreements, conditions of approval of any permit, plat, or other document, or other ordinances or laws, but this ordinance shall prevail over any such provisions which are less restrictive. All development, use, and management of land shall comply with all covenants, agreements, and conditions of approval of any permit, plat, or other document reviewed and approved by the City. Unless otherwise agreed to in writing by the City as part of approval of a permit, plat, or other application, the City shall not be responsible for the enforcement of private covenants, conditions, or restrictions, association bylaws, or similar agreements.
6. If any provision of this ordinance addresses a subject addressed by the state construction code or the state land use, development, and management act, the more restrictive provision shall apply, unless there is a direct conflict, in which case the state regulation shall apply.

7. Only one application for a particular use, construction, or development shall be permitted at one time. Multiple applications may be submitted for a single property, so long as each application is addressed to a different use, construction, or development. The submission of a new application regarding a use, construction, or development for which an application is pending shall, at the election of the applicant, be disregarded or shall revoke and replace the pending application. Fees shall be required for all new applications, and fees paid for prior applications shall not be applied to new applications.
8. No property, and no portion of any lot or parcel, that exceeds 30% slope shall be graded, constructed upon, or disturbed without appropriate engineering, performed by the applicant to the satisfaction of the city engineer or designated person, which engineering demonstrates the proper soil conditions and compaction, construction materials, erosion and drainage control, and safe access. Excludes a private access road to private property. The city may require, as part of approval of construction on slopes exceeding 30%, that the applicant and property owner agree to record instruments absolving and releasing the city of liability for loss, injury,, damage, or death related to the proposed construction.
9. Sale, lease, or conveyed away of required space: No space or property needed to meet the width, yard, area, coverage, setback, parking, or other requirements of the Lake Point land use ordinances for a lot, parcel, building, or structure may be sold, deeded, subdivided, or otherwise conveyed away from such lot, parcel, or building.
10. Sale of lots below minimum space requirements: No parcel of land may be divided or subdivided from a larger parcel without being approved as a subdivision, unless exempt from subdivision requirements under state law, nor shall any parcel of land be divided or subdivided from a larger parcel in a manner that creates a lot that has less than the minimum width, frontage, setback, yard, and area requirements for the zoning district in which it is located, unless the lot is subject to a conservation easement or similar recorded restriction that controls and limits the use of the lot. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development, or any other land use.
11. All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed:
 - a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
 - b. Fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures;
 - c. Public and quasi-public utility buildings.
 - d. Transmission lines with nominal voltage rating of 50kV or greater; and
 - e. Substations.

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.6.16 Penalties

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

HISTORY:

ORD. NO. [2023-25](#), 10/11/2023

13.7 Use And Placement Of Shipping Containers

13.7.1 Shipping Container Regulations

1. Definition: Shipping Container: A shipping container is a reusable, pre-fabricated container designed for intermodal freight or other commercial transportation.
2. Shipping containers are permitted to be used and located on property within Lake Point.
3. Shipping containers that are kept or used on a property for longer than 60 days are subject to the following regulations:
 - a. Shipping containers shall meet all setback requirements for accessory buildings and structures under the zoning regulation for the property.
 - b. No building permit shall be required for the location or placement of a shipping container, unless the shipping container is located or placed on a foundation or other structural support or has modifications to the structure by additions, alterations or removal of the pre-fabricated structure that would require a building permit.
 - c. Permits for plumbing, electrical, and mechanical and attached structures to the pre-fabricated container may still be required for regulated work within or on a shipping container.

HISTORY:

ORD. NO. [2023-27](#), 10/25/2023

13.8 Regulations Related To Home Occupations

13.8.1 Purpose

The purpose of this Ordinance is to uphold the Vision and Core Values of Lake Point. It allows for the establishment and operation of modest home-based occupations/businesses upon residential lots and parcels in Lake Point. We aim to encourage entrepreneurship, foster economic growth, and promote responsible home-based businesses with the City of Lake Point while respecting the character of our community. These activities must remain incidental and secondary to the primary residential use of the property, ensuring they do not adversely affect neighboring properties, public health and safety, or the well-being of our community.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.2 Definitions

1. Daycare. The care and supervision of children, other than children related to the adult resident(s) of a residential property, which is provided in place of care ordinarily given by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.
2. Home Occupation. An occupation or other commercial or business activity conducted on a residential lot/parcel and within a residential dwelling unit, which is incidental and secondary to the primary residential use of the property, thus preserving its character. Home occupations have no or minimal off-site impacts beyond that of the primary residential use, and home occupations are further defined and regulated in Section 9.1. It does not include services rendered by an employee to an employer within a dwelling.
3. Home-Based Business. An occupation or other commercial or business activity conducted on a residential lot/parcel and within a residential dwelling unit, which is incidental and secondary to the primary residential use of the property, thus preserving its character. Home-based businesses have, or have the potential for, material off-site impacts that exceed the impact of the primary residential use along, and home-based businesses are further defined and regulated in Section 9.2. It does not include services rendered by an employee to an employer within a dwelling.
4. Residential Business. A home occupation or home-based business.
5. In-Home Instruction. The provision of classes, lessons, training, practice, and organized instruction in various subjects, offered within a residence to individuals, including children, who do not live at the residence. This includes in-home preschools and adult instruction courses.
6. Preschool. An early childhood program that provides education and care to pre-elementary school-aged children, emphasizing learning and development rather than daycare services.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.3 Rights And Responsibilities

1. Rights of residents, including residential business owners living within Lake Point: They have the right to engage in business activities according to the Declaration of Independence and the US Constitution. Residential businesses may include office or professional services, arts and crafts, sales of goods, or other similar activities.
2. Limitations on residential businesses: Residential businesses are regulated by the City, as specified in this Ordinance.
3. Neighboring relations: In the event of a complaint related to a residential business, complainants may resolve the issue with the business owner or with the City of Lake Point.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.4 Exemption

The following uses and businesses are exempt from the requirements of this Ordinance.

1. In-Home Instruction: In accordance with Section 8.2.
2. Garage/Yard Sales: In accordance with Section 8.3
3. Agriculture - Animals: Farm animals (including 4-H) in accordance with City zoning regulations for the property. Greenbelt properties may have different regulations.
4. Agriculture - Food (for Human or Animal Usage and Consumption): Includes field crops (examples: hay, wheat, rye, straw), vegetable gardens, orchards, greenhouses, mutton, beef, pork, fowl, etc.
5. Agriculture - Equipment: Servicing and repairing equipment and vehicles used for agricultural purposes.
6. Minor-operated Business: Businesses operated by an individual who is under 18 years old.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.5 Prohibited Residential Businesses

The following are not permitted to be operated as a residential business.

1. Illegal businesses.
2. Animal hospital or clinic.
3. Junkyard, salvage yard, or scrapyard.
4. Medical or dental hospital, medical or dental clinic, or medical or dental office, provided that cosmetology, barbering, practice of esthetics, and similar professions are not prohibited.
5. Sales, leasing, or rental of motor vehicles, including ATVs, recreational vehicles, construction equipment, and similar motorized vehicles or equipment.
6. Sexually oriented or adult oriented business.
7. Funeral services.
8. Uses handling or disposing of toxic waste or biohazards.
9. Uses related to the creation or sale of alcohol or controlled substances.
10. Uses that interfere with or product disruptive fluctuations in a utility service, including power, gas, water, and sewer, as determined by the servicing entity.
11. Uses that raise or process minks or animals in the same family.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.6 General Regulations

All residential businesses shall comply with the following:

1. The residential business shall be carried on by bona fide residents of the residential property, with the business employing individuals who are not residents of the property only in accordance with Section 9.
2. The residential business shall remain incidental and secondary to the residential use of the property and shall not occupy more than forty-nine percent (49%) of the residential use of the main dwelling including any attached garage, and the lot or parcel on which the structure is located.
3. The residential business shall provide off-street parking spaces, in accordance with the City standards and ordinances, for each employee other than a resident of the property. These spaces shall be in addition to all off-street parking spaces otherwise required to be provided for the dwelling and lot, including all secondary or accessory dwelling units. Parking spaces shall be on a paved, gravel, or other similar hard surface, and parking on swales, yards, or sidewalks is not permitted. Off-street parking shall include or allow parking on a shoulder or other permitted areas off of the paved street. All vehicles with logos, advertising, or branding, and all other equipment related to the occupation shall be parked or located in an off-street parking space on the property associated with the occupation. A simple parking and traffic flow plan shall be submitted demonstrating adequate parking and access.
4. The residential business may have one sign, not larger than six (6) square feet, attached to or within the main dwelling unit, advertising or displaying the existence of the home occupation one one sign, nor larger than two square feet, identifying the residential business that is not attached to the main dwelling unit within the property outside of the right of way. There shall be no other visible advertising of the home occupation. Signs shall be made of durable materials and maintained in good repair and shall not be flashing, excessively bright, distracting to motorists, or located within a prohibited sight triangle.
5. The residential business shall not create dust, smoke, vibrations, odors, or nuisances that trespass onto adjacent property.
6. The residential business shall have hours of operation between 7:00 AM to 7:00 PM.
7. The residential business shall not generate or require traffic, meaning deliveries, shipping, and customer visits, in excess of the amount established under Section 9. For permitted traffic, the residential business shall not generate traffic prior to 6:00 AM or after 8:00 PM, nor generate, require, or allow for commercial traffic or deliveries involving vehicles weighing in excess of twenty-six thousand (26,000) pounds, gross weight.
8. All buildings, structures, and property in or on which the occupation is located shall comply with all building, fire, health, zoning, land use, and safety codes and regulations.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.7 Residential Business Considerations

1. Sales Tax: Citizens engaged in residential businesses are responsible for reporting, collecting, and remitting all applicable sales taxes to the appropriate governing authority, if required. It is the responsibility of the residential business owner to comply with all state and local sales tax regulations.
2. Insurance: The City recommends that residential businesses consider obtaining liability insurance or other types of insurance to protect themselves and their business from potential lawsuits or damages. The need for insurance may vary depending on the nature of the business and should be evaluated by the business owner.
3. Accessibility Requirements: Residential businesses open to the public and serving customers with disabilities may have additional requirements required by the American with Disabilities Act (ADA) requirements. This may include providing accessible parking spaces and accesses based on specific requirements, such as proximity to the entrance, sizing requirements, and having the appropriate and proper signage. Business owners are responsible for meeting these accessibility standards.
4. Short-term Rentals: Short-term rentals are allowed, subject to compliance with relevant regulations. The Transient Room Tax must be collected and allocated to the City. The responsibility for tax collection and remittance is placed upon the hosting site and owner, as applicable, for the short-term rental. Residential businesses engaging in short-term rentals should be aware of their tax obligations and comply with them as required by law.

5. Inspections: Residential businesses are entitled to one inspection per year for building, fire, health, and other safety or licensing code compliance if requested, with the cost of the inspection borne by the business owner as part of the licensing fee. Business owners may also request additional inspection incurring an additional cost to be borne by the business owner. In the absence of a request by the owner, no inspections shall be conducted.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.8 Regulations For Specific Residential Businesses

1. Repair or Service of Vehicles, Equipment, Small Motors, and Appliances. Any residential business the repairs or services motor vehicles, construction equipment, small motors, or appliances, shall comply with the following requirements in addition to the other regulations set forth in this Ordinance:
 - a. Such uses shall obtain a business license and comply with the regulations applicable to a home-based business under Section 9.2.
 - b. All vehicles, equipment, and appliances to be services or repaired must be stored, worked on, maintained, and repaired within a building or structure on the property, and storage and work outside of a structure is not permitted, provided that a residential business may work on and store items on the property outside of a building or structure in an area not exceeding 100 square feet, plus up to 2 large items such as motor vehicles, trailers, or construction equipment.
 - c. An inspection of the building or structure and all utility connections and installations is required to ensure compliance with building, fire, health, and other safety and construction codes, and the business owner shall pay the associated inspection fees. The business owner shall correct any deficiencies identified by such inspection prior to issuance of a business license and the operation of the business.
2. In-Home Instruction and Daycare. Residential businesses consisting on in-home instruction and/or daycare are permitted, and are not subject to the other requirements of this Ordinance related to residential businesses, so long as such businesses comply with the following:
 - a. General Requirements: Residential businesses involving daycare of in-home instruction are permitted without any license from the city, unless required by the State.
 - b. State Licensing: When required by the State, daycare operators must receive and maintain applicable licensing from the Utah Department of Health and Human Services. A copy of the relevant license must be provided to the City as proof of compliance.
 - c. Optional Business License: An optional business license may be obtained from the City for operators who wish to formalize their home-based daycare or in-home instruction and take advantage of specific benefits or support provided by the city. Operators choosing to obtain a business license shall comply with all requirements under Section 6, except as otherwise provided in this Section 8.
 - d. Optional Background Check: Background checks are encouraged for caregivers, teachers, instructors, and other support staff for in-home instruction and daycare serving children or students younger than 18 years of age.
 - e. Employees. In-home instruction and daycares may employ any number of individuals who do not reside on the property, subject to the requirements and restrictions of state law.
 - f. Yard Usage. In-home instruction and daycares may use all areas or their yard or other property associated with the residential dwelling if such use does not significantly alter the residential nature of the property.
3. Garage/Yard Sales. A resident may conduct up to six garage or yard sales each year. Each sale shall last no longer than 48 hours. Operation of garage/yard sales are not limited by the regulations on traffic or parking set forth in this Ordinance.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.9 Home Occupations And Home-Based Businesses

1. Regulations and Requirements for Home Occupations. All home occupations shall comply with the following regulations and requirements:
 - a. Home occupations shall comply with all regulations set forth under Section 6.

- b. Home occupations shall register their business with the City. No fee shall be imposed for registration. A business license is not required, but is available upon request.
 - c. Home occupations shall be contained entirely within the residential property and associated buildings without any off-site impacts.
 - d. Home occupations may employ up to one individual who does not reside on the associated property, if parking is provided.
 - e. Home occupations shall not generate traffic, meaning deliveries (excluding residential-type delivery services such as USPS, FedEx, UPS, or similar services), shipping, and customer visits, except for traffic for the one non-resident employee.
 - f. The following are not permitted to be operated as home occupation and must be operated as a home-based business:
 - i. Any residential business with more than two employees who do not reside on the property.
 - ii. Any residential business with off-site impacts such as traffic or deliveries.
 - iii. Any residential business that sells goods to the public or that is required to collect and remit any sales, use, or other non-property tax.
2. Regulations and Requirements for Home-Based Businesses.
- a. Home-based businesses shall comply with all regulations set forth under Section 6.
 - b. Home-based businesses shall obtain and maintain in good standing a business license from the City, provided that, if the home-based business has registered with the City, a business license is not required for the first year of the business's operation at any location.
 - c. Home-based businesses shall provide all information required by the City, including the following:
 - i. A drawing indicating the area within the home, accessory structures, and yard where the home-based business will operate in comparison to the unused portion of the property.
 - ii. A detailed description of the proposed home-based business.
 - iii. A statement confirming compliance with all relevant regulations, including this Ordinance.
 - iv. A written approval statement from the property owner, if different from the applicant.
 - d. Home-based businesses may employ up to five individuals who do not reside on the associated property, if parking is provided, unless approval is granted pursuant to Section 9.3.
 - e. Home-based businesses shall not generate traffic, meaning deliveries (excluding residential-type delivery services such as USPS, FedEx, UPS, or similar services), shipping, and customer visits, in excess of 10 vehicles per day.
 - f. Home-based businesses shall provide off-street parking for all customers, in accordance with the requirements set forth under Section 6.3.
3. Expanded Home-Based Business. The owner of a home-based business that seeks to employ more than five employees, up to eight employees, on the property who are not residents of the property may apply to the City Council to operate as an expanded home-based business. The City Council shall review the application, the conditions of the property, the proposed business and off-site impacts, and proposed mitigation efforts. The City Council may approve an application for an expanded home-based business if the City Council finds good cause therefor and finds that each of the following requirements are satisfied:
- a. The operator of the home-based business complies with all requirements of this Ordinance, including all requirements set forth in Section 9.2 for home-based businesses.
 - b. Notice has been provided to all owners of property within a 1,000-foot radius of any portion of the subject property, with notice sent at least 10 days in advance of the City Council's consideration of the application. The owner shall bear all notice costs, and the City shall approve the form and type of the notice.
 - c. The size of the property is at least one acre, with adequate frontage and access to a public street.
 - d. The owner obtains Lake Point business license and all required state and other licenses.
 - e. Parking areas and accesses are not provided in accordance with the City's commercial parking standards.
 - f. Fencing or other appropriate screening of sights, storage areas, equipment, inventory, and sounds are provided.
 - g. No other residential business, with more than five employees who are not residents of the property, currently exists within a 1,000-foot radius of any portion of the property.
 - h. No additional traffic beyond 10 vehicles per day is generated or required.
 - i. The property will maintain its character, appearance, and use as a residential property.
 - j. A site plan for the property is provided in accordance with the City's commercial site plan ordinance.
 - k. The expanded home-based business shall not be transferred to another person, shall not run with the land, and shall not continue from one owner of the associated property to another.

- l. The expanded home-based business shall not be converted into a different type of use. Reapplication is required for a change in use.
- m. The expanded home-based business shall not operate as an expanded home-based business for longer than a period set by the City Council, not to exceed twelve months. After such period, the business shall relocate to an appropriate commercial area or modify and reduce their operations to conform to the requirements of Section 9.2.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.8.10 Licensing And Enforcement

1. Approval. Registrations and licenses for residential businesses shall be reviewed and approved by the Lake Point city recorder or designee. Disputes or appeals regarding the issuance of a license shall be resolved in accordance with the procedures outlined in the Lake Point business license ordinance.
2. Fee. An annual fee for a residential business license shall be charged in such amount as established by the City Council. Payment must be made within 30 days of the due date to maintain a valid Business License.
3. Term. A residential business license shall be valid for up to one fiscal year, from July 1 to June 30, and shall be renewed on or before June 30 each year.
4. Other Laws. Any license, permit, or authorization granted for a residential business shall be subject to compliance with this Ordinance and all other applicable Lake Point, State, and Federal licensing, land use, and business license ordinances, codes, and regulations.
5. Denial and Revocation. A business license for a residential business may be denied or revoked in accordance with the procedures outlined in the Lake Point business license ordinance.
6. Compliance Period. The city council may authorize the renewal or extension of a residential business license for a residential business that exceeds the operational limitations of this ordinance, such as number of employees, customer visits, or excessive commercial use of property, for a single period of up to six months for good cause shown. Good cause may be shown by efforts or a plan to reduce the scope or impact of the residential business, to relocate the residential business to a commercial area, or other reasonable actions by the business owner to conform to the requirements of this ordinance.

HISTORY:

ORD. NO. [2023-29](#), 11/15/2023

13.9 Site Plan Review Standards And Procedures

13.9.1 Purpose

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:

1. A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area;
2. The quantity, quality, utility, size and type of a project's required open space area and proposed landscaping improvements;
3. The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;

4. The quantity, quality, utility and type of a project's required community facilities; and
5. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.2 Authority

1. 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.
2. 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).
3. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.3 Scope Of Application

1. 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:
 - a. Development of a new principal building;
 - b. Change of land use type;
 - c. An increased parking requirement;
 - d. An increased landscaping requirement; or
 - e. Development activities identified in various sections of this title that are specifically subject to site plan review.
2. Conditional Uses: Site Plan review shall be required for all conditional uses in all zoning districts.
3. 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.
4. Exemptions:
 - a. 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 infrastructures 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.
 - b. 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.
5. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.4 Scope Of Modifications Authorized

1. 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.
2. The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
3. 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:
 - a. Considerations relating to buildings and general site layout:
 - i. Promoting compatibility with adjacent and nearby properties;
 - ii. Promoting the efficient provision of public services.
 - iii. 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;
 - iv. The placement and screening of trash containers and disposal facilities;
 - v. The location of surface, wall and roof-mounted equipment;
 - vi. Lighting: designing or directing of outdoor lighting devices or fixtures;
 - vii. 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;
 - viii. The preservation and protection of natural features, amenities, as identified in the City's General Plan, to the greatest extent practical; and
 - ix. 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 of neighborhood.
 - b. 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.
 - i. Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;
 - ii. Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and off-site transportation facilities;
 - iii. 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;
 - iv. Locating, arrangement, and dimensions of truck loading and unloading spaces, with preference given to shielding loading and unloading spaces from public view;
 - v. Vehicular and pedestrian circulation patterns within the boundaries of the development;
 - vi. Surfacing and lighting of off-street parking facilities;
 - vii. Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
 - c. Considerations relating to landscaping:

- i. 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;
 - ii. 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;
 - iii. Promoting the use of native plants and plant materials compatible with the climate of the region and the micro-climate conditions of the site;
 - iv. Feasibility and sustainability of maintaining plant material for long-term health and continued growth; and
 - v. Ensuring that the arrangement of required landscaping produces the optimal visual effect;
 - vi. Avoiding unnecessary destruction of existing healthy, beneficial trees.
- d. Considerations relating to drainage and irrigation:
- i. The effect of the site development on the adequacy of the storm and surface water drainage;
 - ii. The design of drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage;
 - iii. 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;
 - iv. The need for piping or irrigation ditches bordering or within the site; and
 - v. Minimizing alterations to existing topography to prevent soil erosion and excessive runoff.
- e. Considerations related to signs:
- i. Ensuring that the location, size, orientation, and lighting of signage do not impair the visibility of or distract motorists.
 - ii. Ensuring that the location, size, orientation, and lighting of signage minimize obstructions and hazards to pedestrians.
- f. 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.
- g. Other considerations including, but not limited to:
- i. Buffering - to provide transition between different uses and different zones;
 - ii. Adequate water pressure and fire flow must be provided on the site as required by the applicable fire code;
 - iii. Open space areas and access;
 - iv. Preservation or creation of historical and cultural assets.
- h. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.5 Development Review Team (DRT)

1. The City shall be assisted in conducting site plan review by the development review team (DRT).
2. 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:
 - a. City Engineer;
 - b. City Building Official;
 - c. Public Safety: Fire, Police departments;
 - d. Utility providers;
 - e. Other technical experts as may be required by the project;
 - f. Representatives of other affected governmental entities or agencies;
 - g. Representatives of other providers of services to the site.
3. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.6 Application Requirements

1. 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.
2. 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:
 - a. Plan Set Cover Sheet. High level overview of the project showing the entire site plan including:
 - i. 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;
 - ii. The street address, tax parcel number and legal description of the subject property;
 - iii. The zoning classification, zoning district boundaries, and a present use of the subject property;
 - iv. The proposed name of the project;
 - v. The date of preparation of the plans and drawings;
 - vi. A general vicinity map showing the approximate location of the subject parcel shall be inset on this sheet with a North arrow; and
 - vii. A signature panel for Planning Secretary approval.
 - b. 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.
 - c. 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.
 - d. Detailed Boundary Survey shall contain the following information:
 - i. North arrow and legend;
 - ii. 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;
 - iii. The boundaries of subject property, all existing property and parcel/lot lines, lot size and dimensions;
 - iv. Setbacks and overhangs for setbacks;
 - v. 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.
 - vi. 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;
 - vii. The location of off-street parking, including the amount and type of parking spaces, driveways, loading areas or facilities, and hard-surfaced areas.
 - viii. Location, type, and size of all business and on-site circulation and road safety signage.
 - ix. The location and dimensions of existing and proposed recreation areas, open spaces, outdoor display areas, and other required amenities and improvements;
 - x. Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures, including enclosures or screening of such;
 - xi. Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements;

- xii. Type of construction of all structures, presence or absence of fire sprinkling, and location of existing and proposed fire hydrants;
- xiii. Established Grade of building area.
- e. 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.
 - i. Significant topographic or physical features of the site, including existing trees.
 - ii. 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.
 - iii. Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill including access, shall be indicated.
- f. 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 area, pedestrian paths, and property names and shall include:
 - i. North arrow, scale, legend, and date indicating:
 1. The zoning classifications and current uses of adjacent properties, (exclusive of intervening streets and alleys);
 2. The location of existing structures on adjoining properties.
- g. 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 right-of-way, and existing conditions on the property or adjoining the project with 200 feet of the property line.
 - i. Existing and proposed easements and dedications,
 - ii. Adjacent property owners and holding strips, and all
 - iii. All ditches, irrigation canals, ponds, waterways, wetlands, and other water conveyance facilities, and
 - iv. Other existing physical features.
- h. 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, including 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.
- i. 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. This drainage plan shall also include:
 - i. 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.
 - ii. 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 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.
- j. Final Traffic Report is required unless waived by the DRT of 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:
 - i. An analysis of the average daily trips generated by the proposed project;
 - ii. An analysis of the distribution of trips on City street systems;
 - iii. A description of the type of traffic generated; and
 - iv. Recommendations of what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents acceptable to the City.
- k. Geotechnical Study is required unless waived by the DRT after receiving the recommendation of the City's Engineer.
- l. Data Table: Including:

- i. 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.
- ii. Total number of lots, dwellings , and buildings.
- iii. 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.
- iv. Number of off-street parking spaces required and provided (e.g., number of garage parking spaces; number of surface parking spaces).
- v. Area to be dedicated as right-of-way (public and private).
- vi. 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).
- m. 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:
 - i. The location of existing and proposed landscaping including the location, spacing, types, and sizes of plants, trees and other landscaping elements;
 - ii. 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;
 - iii. The proposed location, type, and material of walkways, pathways, and trails including connections to adjacent properties;
 - iv. The irrigation sprinkler system designs indicating the location and service size of water connections;
 - v. Compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate zone.
- n. 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.
- o. 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:
 - i. The location, character, size, height, and orientation of proposed signs, monuments, and other permanent installations;
 - ii. Elevations of buildings showing signs to be placed on exterior walls.
- p. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.7 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:

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024

13.9.8 Procedures For Site Plan Review

1. 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.
2. Fees: Every site plan application shall be accompanied by the fee shown on the Lake Point fee schedule.
3. 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.
4. Review And Approval Of Final Site Plan, Landscaping Plan And Other Plans:
 - a. 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.
 - i. 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.
 - ii. 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.
 - b. 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.
 - c. 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.

- d. 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.
- e. 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).
- f. 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.
- g. Effect of Approval: Every site for which a site plan has been approved shall conform to such plan.
 - i. 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.
 - ii. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
 - iii. 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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.

- m. 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 the 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 assurances 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.
- n. Warranty for Other Improvements: When any improvements is to be accepted for dedication, maintenance or operation by the city, and such improvement has not been assured and warranted 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 acceptance by the city.

HISTORY:

ORD. NO. [2024-01](#), 1/10/2024