

## ORDINANCE NO. 2024-09

### AN ORDINANCE AMENDING THE RR-1 ZONING DISTRICT WITHIN LAKE POINT

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

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

WHEREAS, the Lake Point Planning and Zoning Commission provided notice of and conducted a public hearing regarding an amendment to the RR1 zoning regulations, which hearing was held on January 8, 2024;

WHEREAS, the Planning and Zoning Commission issued a recommendation regarding RR1 zoning regulations for the review of the Lake Point City Council on January 8, 2024;

WHEREAS, the City Council provided notice of and conducted a public meeting regarding the proposed amendments to the RR1 zoning regulations and the recommendation of the Planning and Zoning Commission related thereto, which meeting was held on January 10, 2024;

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

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

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

**Section 2.** General

1. Purpose:

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

**Section 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 single-family dwelling and contained on one lot or parcel in addition to the primary 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, setback, and other requirements for lots, which can be used and developed in accordance with the relevant zoning regulations.
6. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, 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 remains 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 tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

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 a 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.

**Section 4. Regulations.**

1. Minimum Lot Size: The minimum lot size for the RR1 district shall be 1 acre.
2. Residential Dwelling Placement:
  - a. Minimum Width: The minimum width for residential lots shall be 125 feet.
  - b. Frontage Requirement: Each residential dwelling must have a minimum frontage of 25 feet on a public road or private access road.
  - c. Collector Roads:
    - i. Residential dwellings are not allowed to front or have vehicular access onto newly developed Collector class roads.
    - ii. Residential dwellings are not allowed to front or have vehicular access onto existing Collector class roads, unless the owner installs a circular driveway or similar private access that allows vehicles to enter and exit the property without backing onto the Collector class road.
3. Yard Setback Requirement: Minimum yard setback requirements are as follows:
  - a. Main Building Setbacks:
    - i. Front Yard: The minimum front yard setback for the 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 main building: All accessory buildings shall be set back a minimum of 10 feet from the primary building
- c. Corner Lots: For corner lots, two front yards, along the street frontages, and two side yards, along the property lines not fronting on streets, are required, with setbacks as set forth above. Corner lots shall be required to establish and maintain all clear view and sight-triangle requirements, as described and defined herein, for safety.
- 4. Maximum Building Height: The maximum building height allowed in the RR1 district shall be 40 feet, as measured from any point along an exterior wall touching or adjoining the uniform, natural, or cut grade. No primary or accessory structure or building shall exceed this height limitation.
- 5. Maximum Building Coverage: The maximum building coverage on a lot shall not exceed 20% of actual physical square footage of the building lot. This percentage represents the portion of the lot that can be covered by the footprint of the buildings.
- 6. Retaining walls: All retaining walls over 4 feet, as measured from any point along the retaining wall touching or adjoining the uniform, natural, or cut grade, shall require a building permit.

**Section 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 AWWA, AASHTO, and other city, state, or industry standards:
  - a. Street Grading: The grading of streets within the development area must be completed.
  - b. Street Base: A suitable street base must be constructed to ensure proper road stability and durability.
  - c. On-site Surface Drainage: Adequate on-site surface drainage facilities must be provided to 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, and 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 provide a minimum of two off-street parking areas for each dwelling unit.

**Section 6.** Permitted Uses:

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

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

- a. Accessory Buildings and Uses: Customarily incidental to permitted uses.
- b. Agricultural Industry or Business: Agricultural-related industry or business operations.
- c. Apiary: The keeping of bees is allowed.(beehives)
- d. Aviary:
- e. Farm Animals: The keeping of farm animals is permitted.
- f. Forestry (excluding forest industry): Forestry activities, such as tree cultivation and management.
- g. Fruit or Vegetable Stand.
- h. Household Pets, as limited by state law.
- i. Kennel: subject to noise, county health, and state animal cruelty laws.
- j. Personal Agriculture: Includes grazing and pasturing of animals
- k. Plant Materials Nursery/Greenhouse. Greenhouses are exempted from the maximum building coverage regulations under Section 4(5) and do not count toward 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 occupational or business or for use by a home-based business or home occupation.

3. Residential Dwellings and Uses, as follows:

- a. Accessory buildings and uses customarily incidental to permitted uses.
- b. Accessory Dwelling Units (ADU) (Internal): Internal ADU are allowed within the primary dwelling's footprint, subject to the following conditions.

- i. Internal Accessory Dwelling Units (ADUs) must have separate house numbers from the primary dwelling.
  - ii. Only one internal ADU may be built per primary dwelling.
  - iii. The primary dwelling must be occupied by the owner of record at the time of construction of the internal ADU.
  - iv. Internal ADUs shall provide at least one additional off-street parking space in addition to the parking spaces required for the primary dwelling, if the primary dwelling has three or fewer existing off-street parking spaces or if parking space within an attached garage is removed due to the creation of the ADU.
  - v. Construction of new internal ADUs must comply with current Utah State health, building, and fire codes.
- c. Accessory Dwelling Unit ADU (Detached): Detached accessory dwellings (ADUs) are permitted, provided the primary dwelling is occupied as the primary residence by the record owner at the inception of the ADU. The following conditions apply:
- i. Only one detached ADU is allowed per lot or parcel.
  - ii. The parcel must be on a minimum lot or parcel of 0.50 acres of physical land.
  - iii. 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 or external 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

**Section 7.** Construction and Occupancy; Site Plans.

1. The construction, alteration, repair, erection, placement, or removal of any building, structure, mobile home, modular home, manufactured home, office trailer or part thereof as permitted in any chapter of this land use ordinance shall not be commenced or continued except after review by the zoning administrator or designated representative and a written permit from the building inspector. If work is not started or substantial progress is not made within 180 days a new permit will be required. The issuance of the permit shall be pursuant to an application that contains all required information as required by the state construction code.
2. An occupancy permit, requested and approved pursuant to state construction code and other applicable laws, shall be required prior to the occupancy of any structure.
3. Prior to constructing any single-family dwelling or detached accessory dwelling unit, the applicant shall submit construction and building plans, as required by the state construction code, and the applicant shall also submit a site plan for the lot or parcel, which shall be drawn to scale and contain the following information and specifications, to the extent applicable:
  - a. North arrow and legend;
  - b. Lot size and dimensions;
  - c. Setbacks and overhangs for setbacks;
  - d. Easements;
  - e. Property lines;
  - f. 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 of 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.

**Section 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 exist, provided that the public health, safety and welfare is preserved.

**Section 9.** Buildable and Non-Conforming Lots.

- 1. Every lot shall have such area, width and depth as is required 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 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.

#### **Section 10. Yards**

1. All yards required by this ordinance and the setback requirements set forth herein No required yard, setback area, or other open space required for a particular lot, parcel, or building shall be considered as providing a yard, setback area, or open space for another building or property, nor shall any yard, setback area, or other required open space on an adjoining property be considered as providing a yard, setback area, or open space for the property on which a building is to be erected or established.
2. Every part of a required yard shall be unobstructed and open to the sky, except for:
  - a. Permitted accessory buildings and structures;
  - b. the ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet, provided such projections do not cross the property line;
  - 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.

#### **Section 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 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.

**Section 12.** Supplemental Regulations: The following requirements apply to all development, construction on or within, and use of property within the RR1 district.

1. The city and all land use applicants are bound by and shall comply with all mandatory provisions of Lake Point land use, zoning, construction, and development ordinances, standards, codes, and regulations.
2. All departments, officials and public employees of Lake Point which are vested with the duty or authority to review, issue permits or licenses shall conform to the provisions of this land use ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would conflict with the provisions thereof. Any permit or license, if issued in conflict with the provisions of this land use ordinance, shall be null and void.
3. No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained in the RR1 district except as provided herein. No land, building or structure shall be used for any purpose not allowed in the zone in which such land, building or structure is located. 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.

**Section 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 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.

**Section 14.** This Ordinance shall repeal and replace Ordinance 2023-13 and any other ordinance or provision thereof in conflict herewith to the extent of such conflict.

**Section 15.** This Ordinance shall be effective immediately upon its adoption and publication according to law.

**PASSED, APPROVED, AND ADOPTED** on the 15<sup>th</sup> day of May, 2024

Lake Point

By Ryan Zumwalt  
Chair

ATTEST:  
[Signature]  
City Recorder



**Voting:**

Alexis Wheeler  
Jonathan Garrard  
Kirk Pearson  
Kathleen VonHatten  
Ryan Zumwalt

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