

## ORDINANCE NO. 2023-24

### AN ORDINANCE ADOPTING COMMERCIAL AND INDUSTRIAL ZONING REGULATIONS AND STANDARDS FOR THE COMMERCIAL NEIGHBORHOOD, COMMERCIAL HIGHWAY, COMMERCIAL GENERAL, AND INDUSTRIAL ZONING DISTRICTS

WHEREAS, pursuant to Utah Code Title 10, Chapter 9a, Lake Point is authorized to adopt land use regulations, including the creation of zoning districts and the adoption of regulations that govern the use or development of land within such zoning districts;

WHEREAS, Lake Point desires to adopt standards, regulations, and specifications governing the use and development of land for commercial and industrial purposes within Lake Point;

WHEREAS, the Lake Point Planning and Zoning Commission provided notice of and conducted a public hearing regarding such supplemental regulations, which hearing was held on 09/11/2023;

WHEREAS, the Planning and Zoning Commission issued a recommendation regarding such zoning regulations for the review of the Lake Point City Council on 09/11/2023;

WHEREAS, the City Council provided notice of and conducted a public meeting regarding the proposed zoning regulations and the recommendation of the Planning and Zoning Commission related thereto, which meeting was held on September 27, 2023;

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

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

#### **Section 1. 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.

**Section 2. 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 a 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 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 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 2(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.

**Section 3. 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.

**Section 4. 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. sidewalk; 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 4(3).

**Section 5. 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 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.

**Section 6.** This Ordinance shall be effective immediately upon its adoption and publication according to law.

PASSED, APPROVED, AND ADOPTED on the 4th day of October, 2023

Lake Point

By  
Chair

  
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ATTEST:

  
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City Recorder



SEAL

**Voting:**

Daniel Crawford  
Doyle Garrard  
Jonathan Garrard  
Kathleen VonHatten  
Ryan Zumwalt

Yea / Nay \_\_\_ Absent \_\_\_  
Yea / Nay \_\_\_ Absent \_\_\_  
Yea \_\_\_ Nay / Absent \_\_\_  
Yea / Nay \_\_\_ Absent \_\_\_  
Yea / Nay \_\_\_ Absent \_\_\_