

ORDINANCE NO. 20__ - __

AN ORDINANCE ADOPTING AND CREATING THE CONSERVATION, RECREATION & PUBLIC OPEN SPACE (CRPO) ZONING DISTRICT WITHIN LAKE POINT

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

WHEREAS, Lake Point desires to establish rules and regulations for conservation, recreation, agriculture, parks, trails, cemeteries, public open space, and related land-management uses, to be known as the Conservation, Recreation & Public Open Space Zoning District (CRPO);

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

WHEREAS, the Planning and Zoning Commission issued a recommendation regarding the CRPO zoning regulations for the review of the Lake Point City Council on _____;

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

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

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

Section 1. Establishment of the Conservation, Recreation & Public Open Space Zoning District (CRPO)

1. Establishment:

The Conservation, Recreation & Public Open Space Zoning District, also known and referred to as the CRPO District, is hereby established as a base zoning district within Lake Point, subject to the regulations, terms, restrictions, and conditions set forth in this Ordinance.

Section 2. General

1. Purpose:

The Conservation, Recreation & Public Open Space Zoning District, also known and referred to as the CRPO District, is established as a base zoning classification for lands devoted primarily to conservation, recreation, agriculture, parks, trails, cemeteries, public open space, and related land-management purposes. The CRPO is intended to preserve Lake Point's rural and scenic character; protect natural, scenic, recreational, and environmental resources; support parks, trails, recreation, grazing, cemeteries, conservation, and land management; and establish clear permitted and prohibited land uses for property zoned CRPO.

2. Applicability:

- a. The standards, regulations, entitlements, and terms set forth herein for the CRPO district shall apply to all property zoned CRPO, as shown on the official Lake Point Zoning Map.
- b. Property within a separately adopted Overlay Zone is additionally subject to the development standards of that Overlay Zone.
- c. Nothing herein exempts property from other applicable provisions of the Lake Point Municipal Code or applicable state or federal law.

Section 3. Definitions

For purposes of this Ordinance, the following words and phrases shall have the meanings set forth below. Words not defined herein shall have the meanings assigned elsewhere in the Lake Point Municipal Code or their ordinary and customary meaning.

1. **Applicant:** Any person, property owner, developer, public agency, or authorized representative submitting an application under the provisions of this Chapter.
2. **Community Connectivity:** The physical linkage of parks, greenways, trails, sidewalks, wetlands, drainage corridors, and other public open spaces that promotes pedestrian movement, recreation, environmental continuity, and access throughout the community.
3. **Conservation:** The protection, preservation, restoration, and responsible management of natural, scenic, recreational, and environmental resources for the benefit of present and future generations.
4. **CRPO (Conservation, Recreation & Public Open Space):** The City's base zoning classification established for lands designated for conservation, recreation, agriculture, parks, greenways, wetlands, drainage corridors, and other public open spaces, which establishes the permitted and prohibited uses applicable to property zoned CRPO.
5. **Disturbed Area:** The portion of a property altered by grading, excavation, filling, construction, vegetation removal, paving, or other land-disturbing activities.
6. **Drainage Corridor:** A natural or constructed channel, wash, swale, or drainageway that conveys stormwater runoff, seasonal flows, or floodwaters.
7. **Geologic Hazard:** A natural condition that presents a significant risk to life, property, or infrastructure, including but not limited to landslides, rockfall, debris flows, alluvial fan hazards, unstable slopes, erosion-prone areas, or other geologic conditions identified through accepted engineering or geologic practices.
8. **Greenway:** A linear corridor of public or protected open space that connects parks, neighborhoods, natural areas, trails, wetlands, or other community destinations while providing recreational, ecological, transportation, or hydrologic functions.
9. **Gross Development Area:** The total land area included within the boundaries of a development application, prior to deduction for roads, lots, utilities, wetlands, drainage corridors, easements, Open Space, or other land uses or site features.
10. **Hillside Conservation Overlay (HCO):** An Overlay Zone established to protect hillsides, ridgelines, and natural landforms by applying additional development standards intended to minimize erosion, reduce geologic hazards, preserve scenic character, and maintain the visual integrity of Lake Point's mountain landscape.
11. **Natural Grade:** The elevation and configuration of land existing on the effective date of this Ordinance, prior to any subsequent grading, filling, excavation, or other alteration of the land.
12. **Natural Landform:** A naturally occurring topographic feature including hillsides, ridgelines, draws, ravines, rock outcroppings, escarpments, and similar features.
13. **Official Overlay Map:** The officially adopted map of the City identifying lands subject to the Hillside Conservation Overlay (HCO) and Parks, Greenways & Wetlands Overlay (PGWO).
14. **Official Zoning Map:** The officially adopted map of the City identifying zoning classifications established by ordinance.
15. **Open Space:** Land preserved primarily for conservation, recreation, stormwater management, scenic protection, habitat preservation, or public enjoyment.
16. **Overlay Zone:** A mapped zoning designation that establishes additional development standards applicable to property within the boundaries of the Overlay Zone without changing the permitted and prohibited uses of the underlying zoning district.

- 17. Park:** Land owned, leased, dedicated, or otherwise managed for public recreation, conservation, education, or community gathering.
- 18. Parks, Greenways & Wetlands Overlay (PGWO):** An Overlay Zone established to preserve and enhance Lake Point's system of parks, greenways, wetlands, drainage corridors, trails, and other public open spaces through additional development standards that support recreation, ecological function, hydrology, and community connectivity.
- 19. Ridgeline:** The highest continuous crest of a hill, ridge, or mountain that forms a visually prominent feature within the landscape.
- 20. Scenic Viewshed:** An area visible from a public roadway, trail, park, or other public place that contributes significantly to the visual character of Lake Point.
- 21. Slope:** The degree of incline of land, expressed as a percentage of vertical rise to horizontal run and determined from Natural Grade using accepted engineering or surveying practices.
- 22. Slope, Protected Steep:** Land having a Slope of thirty percent (30%) or greater, as determined from Natural Grade.
- 23. Trail:** A route, path, or corridor intended for pedestrian, bicycle, equestrian, or other non-motorized recreational travel. A roadway or access road intended primarily for motor-vehicle travel shall not constitute a Trail.
- 24. Wetland:** An area characterized by hydric soils, hydrophytic vegetation, and periodic or permanent saturation or inundation sufficient to support wetland functions, as determined in accordance with applicable federal, state, or local standards.

Section 4. Permitted Uses

The following uses are permitted within the CRPO District. Any use not expressly permitted herein shall be prohibited unless otherwise authorized by law.

1. Agriculture and Animal Uses, as Follows:
 - a. Grazing and pasturing of livestock.
 - b. Keeping and pasturing of horses.
 - c. Targeted grazing for vegetation, weed, wildfire-fuel management and hay production.
2. Conservation and Open Space Uses, as Follows:
 - a. Conservation and preservation of natural land.
 - b. Public and private non-motorized trail systems, trail corridors, and recreational access for pedestrian, bicycling, and equestrian use.
 - c. Habitat and ecological restoration.
 - d. Wetland restoration and management.
 - e. Wildlife and natural-resource management.
3. Public Parks and Recreation Uses, as Follows:
 - a. Public parks and recreational uses, including playgrounds, athletic fields, courts, rodeo and equestrian recreation, and other public recreational grounds and activities.
 - b. Passive outdoor recreation, including hiking, bicycling, wildlife observation, nature study, photography, picnicking, and similar low-impact outdoor recreation.
 - c. Community, cultural, historical, and event uses, including community gatherings, receptions, weddings, historical and cultural programs, educational programs incidental to a permitted

CRPO use, and similar activities consistent with the conservation, recreation, or public open-space character of the property.

4. Cemetery Uses, as Follows:

- a. Cemeteries and burial grounds.

5. Utilities, Infrastructure, and Land-Management Access, as Follows:

- a. Public utilities and essential services.
- b. Water storage, drainage, stormwater, and flood-control uses.
- c. Transportation and access necessary to serve permitted CRPO uses.
- d. Existing improved or unimproved roads and access routes historically used for agriculture, livestock management, maintenance, conservation, land management, or motorized recreational access may continue to be used and maintained for those purposes, including use by all-terrain vehicles, off-highway vehicles, and motorcycles where such motorized use has historically occurred. Maintenance of an existing road or access route shall not, by itself, authorize the expansion, widening, or relocation of the route or the construction of additional roads or access routes except as otherwise permitted by the Lake Point Municipal Code.

6. Temporary and Incidental Park and Recreation Uses, as Follows:

The following temporary or incidental uses are permitted when conducted in connection with an otherwise permitted Public Park or Recreation Use:

- a. Community festivals, celebrations, fairs, and similar public events.
- b. Organized athletic, recreational, equestrian, and rodeo events.
- c. Farmers markets, craft markets, and similar temporary markets.
- d. Food trucks, food vendors, and other temporary food and beverage services.
- e. Temporary retail vendors associated with an authorized event or recreational activity.
- f. Equipment rental and recreational services associated with an authorized recreational use.
- g. Private rentals of park or recreation facilities for weddings, reunions, company events, parties, and similar gatherings.
- h. Educational, historical, cultural, and interpretive events and programs.
- i. Temporary entertainment associated with an authorized park, recreation, or community event.

Temporary and incidental uses shall remain subordinate to the principal Public Park or Recreation Use and shall not establish a permanent commercial use or independently authorize permanent commercial development within the CRPO.

Section 5. Prohibited Uses

The following uses are prohibited within the CRPO unless otherwise authorized by law:

- 1. Residential uses and residential development.
- 2. Commercial uses and commercial development, except temporary or incidental commercial activities expressly permitted within the CRPO.
- 3. Industrial uses.
- 4. Mining and quarrying.

5. Junkyards and salvage operations.
6. Outdoor storage yards.
7. Billboards and off-premises advertising signs.

Section 6. Relationship to Overlay Zones

1. The CRPO establishes the permitted and prohibited uses applicable to property zoned CRPO.
2. An Overlay Zone establishes additional development standards applicable to property within the boundaries of that Overlay Zone.
3. An Overlay Zone shall not authorize a use prohibited by the underlying zoning district.
4. Where property is subject to both the CRPO and an Overlay Zone, the permitted and prohibited uses of the CRPO remain applicable, and development shall additionally comply with the standards of the applicable Overlay Zone.
5. Official Overlay Map. The Hillside Conservation Overlay (HCO) and Parks, Greenways & Wetlands Overlay (PGWO) are established as provided in Exhibit A — Official Overlay Map, attached hereto and incorporated herein by reference. The Official Overlay Map may be amended from time to time by ordinance of the City Council.

Section 7. Hillside Conservation Overlay (HCO)

1. Purpose:

The Hillside Conservation Overlay (HCO) is established to preserve Lake Point's hillsides, ridgelines, and natural landforms while allowing reasonable development that respects existing topography.

The HCO is intended to:

- a. Encourage development that adapts to the natural terrain rather than requiring the terrain to be reshaped to accommodate development.
- b. Minimize excessive grading, excavation, and fill.
- c. Protect scenic hillsides, ridgelines, Scenic Viewsheds, and other natural features that contribute to the character of Lake Point.
- d. Reduce erosion, slope instability, and adverse drainage impacts.
- e. Promote development practices that preserve natural landforms and vegetation where practical.
- f. Provide clear, objective, and predictable development standards for hillside properties.

2. Applicability:

- a. The Hillside Conservation Overlay shall apply only to property designated as HCO on the Official Overlay Map.
- b. The HCO is an Overlay Zone that supplements the provisions of the underlying zoning district.
- c. The standards of the HCO shall apply in addition to the development standards of the underlying zoning district. Nothing in the HCO shall authorize a use prohibited by the underlying zoning district.

3. General Development Standards:

Development within the HCO shall be designed to minimize disturbance of natural terrain.

All site plans shall demonstrate that development has been designed to:

- a. Follow existing natural contours whenever reasonably practical.
- b. Minimize cut and fill.
- c. Preserve significant natural landforms where practical.
- d. Preserve existing drainage patterns unless modified through an approved engineered drainage plan.
- e. Minimize disturbance of native vegetation to the extent practical.
- f. Reduce visual impacts on prominent hillsides, ridgelines, and Scenic Viewsheds.

4. Grading Standards:

- a. Protected Steep Slope Delineation. Areas containing Protected Steep Slopes shall be separately delineated on all required grading and site plans.
- b. Development on Protected Steep Slopes. No building pad, mass grading, cut, fill, terracing, or roadway shall be constructed within a Protected Steep Slope, except for the minimum disturbance necessary for an otherwise lawful utility, emergency access, drainage improvement, or other specifically authorized public-safety improvement where no feasible location outside the Protected Steep Slope exists.
- c. Maximum Cut and Fill Height. On land not within a Protected Steep Slope, the vertical height of any individual cut or fill shall not exceed ten (10) feet, measured from Natural Grade to finished grade.
- d. Manufactured Slopes. An exposed cut or fill slope shall not be steeper than two horizontal feet for each one vertical foot (2H:1V), unless a flatter slope is required by the City Engineer or an approved geotechnical report.
- e. Setback of Cuts and Fills. The top and bottom edges of any cut or fill shall be located at least five (5) horizontal feet from a property line or public right-of-way, except where an engineered retaining structure or other improvement approved by the City Engineer requires a different configuration.
- f. Limits of Disturbance. All grading plans shall identify the limits of proposed land disturbance and state the total disturbed area in square feet and acres. No grading, clearing, excavation, filling, or vegetation removal shall occur outside the approved limits of disturbance.
- g. Topographic and Contour Requirements. Existing and proposed topography shall be shown using contour intervals of two (2) vertical feet or less. Protected Steep Slopes shall be separately delineated on the grading plan.
- h. Concentration of Development. Where a parcel contains both Protected Steep Slopes and land outside Protected Steep Slopes, buildings, roads, parking areas, and other substantial improvements shall be located outside Protected Steep Slopes except as expressly permitted by this Section.
- i. Stabilization. Permanent fills and manufactured slopes shall be compacted and stabilized in accordance with applicable engineering standards. Disturbed areas not occupied by approved permanent improvements shall be permanently stabilized or revegetated following construction.
- j. Erosion and Stormwater Control. Temporary erosion and sediment-control measures shall be installed before land-disturbing activity begins and maintained until permanent stabilization is established. Development shall comply with all applicable City, state, and federal stormwater requirements, including preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) where required by applicable law or permit. Where a SWPPP is required, a copy shall be submitted to the City prior to commencement of land-disturbing activity.

- k. Grading Prior to Approval Prohibited. No grading, excavation, filling, clearing, or other land disturbance subject to this Section shall occur prior to issuance of all applicable City approvals and permits.

5. Roadway Design Standards:

- a. The purpose of this subsection is to minimize the visual, environmental, and engineering impacts of road construction within the Hillside Conservation Overlay while providing safe and practical access.
- b. Roadways shall be designed to follow existing natural contours to the maximum extent reasonably practicable and shall minimize grading, excavation, and fill.
- c. New public or private roads shall be the minimum width necessary to safely accommodate their intended function in accordance with applicable engineering and fire protection standards.
- d. Freeways, expressways, multi-lane arterial roadways, and other functionally equivalent high-capacity roadways shall not be permitted within the Hillside Conservation Overlay, regardless of roadway ownership or jurisdiction.
- e. Collector streets shall only be permitted where specifically identified in the City's adopted Transportation Master Plan or General Plan and shall comply with all other applicable standards of this Section.
- f. Cul-de-sacs, shared access drives, and other designs that reduce roadway length and hillside disturbance are encouraged where consistent with public safety and emergency access requirements.
- g. Road alignments shall avoid prominent ridgelines, Protected Steep Slopes, significant natural landforms, and Scenic Viewsheds whenever reasonably practicable.
- h. Retaining walls, slope stabilization measures, and drainage improvements associated with roadway construction shall be designed to minimize visual impacts and preserve the natural appearance of the hillside.
- i. Any roadway proposed within the HCO shall include a grading plan demonstrating that the proposed alignment minimizes hillside disturbance to the extent reasonably practicable.

6. Ridgeline Protection:

- a. Structures shall be sited below prominent ridgelines whenever reasonably practicable.
- b. Development shall minimize the visual silhouette of buildings against the skyline when viewed from public streets, parks, trails, or other public open spaces.
- c. Site planning shall utilize existing terrain, vegetation, and natural landforms to reduce visual impacts whenever reasonably practicable.

7. Drainage and Stormwater:

- a. Development shall maintain existing drainage patterns to the maximum extent practicable.
- b. Any alteration of natural drainage shall be supported by an engineered drainage plan approved by the City Engineer.
- c. Stormwater improvements shall be designed to minimize downstream erosion and protect adjacent properties.

8. Revegetation and Site Restoration:

- a. Areas disturbed during construction that are not occupied by buildings, roads, driveways, or other approved permanent improvements shall be restored upon completion of construction.

b. Restoration shall utilize methods appropriate to the site and may include:

1. Native or adapted vegetation.
2. Rock mulch or other natural-looking rock material compatible with the surrounding landscape.
3. Erosion-control blankets or other erosion-control materials.
4. Other approved stabilization or restoration methods.

c. Restoration shall be sufficient to stabilize disturbed soil, control erosion, and reduce long-term maintenance.

d. Within Scenic Viewsheds, restoration shall be designed to reduce the visual contrast between disturbed areas and the surrounding natural landscape.

9. Public Improvements:

a. Public roads, utility infrastructure, drainage facilities, and public safety improvements may be constructed within the HCO only where permitted by this Section and all other applicable provisions of the Lake Point Municipal Code.

b. Such improvements shall comply with the applicable development, grading, roadway, drainage, and restoration standards of this Section.

c. Public improvements shall be designed and located to minimize disturbance of natural terrain, Protected Steep Slopes, significant natural landforms, ridgelines, and Scenic Viewsheds to the greatest extent reasonably practicable.

10. Administration:

- a. Compliance with this Section shall be demonstrated through the site plan, grading plan, and other construction documents submitted with a development application.
- b. The Development Review Team (DRT) shall review development applications for compliance with the standards of this Section.
- c. Development applications subject to this Section shall be approved only upon a determination that the application complies with all applicable standards of this Ordinance.

11. Exceptions:

The standards of this Section shall not apply to:

- a. Emergency work necessary to protect life, health, or property.
- b. Routine maintenance and repair of existing public infrastructure; provided, however, that expansion or widening of an existing roadway shall not constitute routine maintenance or repair.
- c. Emergency utility repairs.

Such work shall restore disturbed areas to the extent reasonably practicable following completion of the work.

Section 8. Parks, Greenways & Wetlands Overlay (PGWO)**1. Purpose:**

The Parks, Greenways & Wetlands Overlay (PGWO) is established to preserve and enhance Lake Point's system of parks, greenways, wetlands, drainage corridors, trails, and other public open spaces while accommodating compatible development and public infrastructure.

The PGWO is intended to:

- a. Preserve and enhance the functional continuity of parks, greenways, trails, wetlands, drainage corridors, and other public open spaces.
- b. Promote Community Connectivity between neighborhoods, parks, schools, trails, natural areas, and other community destinations.
- c. Protect wetlands, drainage corridors, and other natural features while accommodating necessary drainage, stormwater, utility, transportation, and public infrastructure.
- d. Maintain and enhance opportunities for pedestrian, bicycle, equestrian, and other non-motorized recreational travel.
- e. Reduce unnecessary fragmentation of parks, greenways, trails, wetlands, drainage corridors, and other public open spaces whenever reasonably practicable.
- f. Coordinate development and public improvements with adopted City plans for parks, trails, transportation, drainage, and public infrastructure.

2. Applicability:

- a. The Parks, Greenways & Wetlands Overlay shall apply only to property designated as PGWO on the Official Overlay Map.
- b. The PGWO may be applied to lands containing or providing important connections between parks, greenways, trails, wetlands, drainage corridors, public open spaces, or other lands that contribute to Community Connectivity.
- c. The PGWO is an Overlay Zone that supplements the provisions of the underlying zoning district.

- d. The standards of the PGWO shall apply in addition to the development standards of the underlying zoning district. Nothing in the PGWO shall authorize a use prohibited by the underlying zoning district.

3. General Development Standards:

Development within the PGWO shall be designed to preserve and enhance the function and connectivity of parks, greenways, trails, wetlands, drainage corridors, and other public open spaces to the extent reasonably practicable.

Development shall be designed to:

- a. Maintain Community Connectivity between existing and planned parks, greenways, trails, wetlands, drainage corridors, and other public open spaces.
- b. Minimize unnecessary fragmentation or obstruction of existing greenways, trails, wetlands, drainage corridors, and public open spaces.
- c. Preserve existing drainage and hydrologic functions to the extent reasonably practicable.
- d. Provide for reasonable continuation or accommodation of existing or planned trails and non-motorized connections where affected by development.
- e. Locate and design utilities, roads, drainage improvements, and other public infrastructure to minimize disruption of the functions protected by the PGWO to the extent reasonably practicable.
- f. Where disruption of an existing trail, greenway, drainage corridor, or other functional connection cannot reasonably be avoided, provide a reasonably comparable connection or accommodation where practicable.

4. Parks, Greenways, Trails, and Greenspace:

- a. Development within the PGWO shall provide not less than thirty percent (30%) of the Gross Development Area as parks, greenways, trails, Open Space, wetlands, drainage corridors, or other qualifying greenspace.
- b. Required greenspace shall be configured to provide functional recreation, conservation, drainage, habitat, trail, or Community Connectivity benefits and shall not consist solely of isolated, unusable, or residual portions of a development.
- c. Required greenspace shall connect to existing or planned parks, greenways, trails, drainage corridors, and other public open spaces where reasonably practicable.
- d. Trails, trail corridors, wetlands, drainage corridors, landscaped or natural Open Space, and other areas serving a qualifying greenspace function may be counted toward the thirty percent (30%) requirement.
- e. Roads, parking areas, building footprints, individual building lots, required setbacks associated solely with buildings or parking, and other developed areas shall not be counted toward the thirty percent (30%) greenspace requirement unless expressly authorized by this Section.
- f. Where required greenspace is crossed by a road, utility, drainage improvement, or other necessary infrastructure, the design shall preserve or restore functional continuity to the extent reasonably practicable.
- g. The thirty percent (30%) requirement shall be calculated using the Gross Development Area approved for the development as a whole and shall not be reduced through phasing, subdivision, or subsequent removal of the PGWO designation.

5. Drainage, Stormwater, and Flood Management:

- a. Development shall preserve existing drainage patterns and the functional capacity of Drainage Corridors to the extent reasonably practicable.
- b. Development shall accommodate areas necessary for the conveyance, detention, retention, storage, or management of stormwater and floodwaters.
- c. Drainage, detention, retention, and flood-control improvements may be incorporated into required greenspace and may count toward the thirty percent (30%) greenspace requirement where such areas also provide an Open Space, recreational, natural, or Community Connectivity function.
- d. Alteration of a Drainage Corridor shall be supported by an engineered drainage plan approved by the City Engineer where required by applicable City standards.
- e. Drainage, flood-control, stormwater, utility, transportation, restoration, and public-safety improvements otherwise permitted by law may be constructed within the PGWO.
- f. Wetlands are subject to applicable federal jurisdiction and permitting requirements. Nothing in this Section establishes an independent City wetland delineation or permitting program.

6. Roadways and Transportation:

- a. Public and private roadways may be constructed, reconstructed, widened, or improved within the PGWO where otherwise permitted by law and applicable City plans and standards.
- b. Roadway design shall preserve or accommodate existing and planned trails, greenways, Drainage Corridors, and Community Connectivity to the extent reasonably practicable.
- c. Where a roadway crosses an existing or planned trail, greenway, or other significant non-motorized connection, the roadway design shall provide for the continuation or reasonable accommodation of that connection to the extent reasonably practicable.
- d. New or substantially reconstructed roadways having four (4) or more through-travel lanes, whether divided or undivided, shall incorporate a Trail, shared-use path, or other separated non-motorized connection along at least one side of the roadway.
- e. The Trail, shared-use path, or other non-motorized connection required by subsection (d) may be incorporated into required greenspace and may count toward the thirty percent (30%) greenspace requirement where it provides a qualifying greenspace or Community Connectivity function.
- f. Nothing in this subsection shall prohibit roadway improvements necessary for public safety, emergency access, transportation system function, utilities, drainage, or other public infrastructure.

7. Utilities and Public Infrastructure:

- a. Public utilities, water facilities, wells, sewer and wastewater facilities, water-storage facilities, drainage and stormwater facilities, flood-control improvements, public-safety facilities, and other public infrastructure may be constructed, operated, maintained, repaired, replaced, or improved within the PGWO where otherwise permitted by law.
- b. New roads, access drives, and other access improvements necessary to construct, operate, maintain, repair, or replace permitted utilities or public infrastructure may be constructed within the PGWO in accordance with applicable City standards.
- c. Utilities and public infrastructure shall be located and designed to minimize unnecessary fragmentation or obstruction of parks, greenways, Trails, Drainage Corridors, and other functional connections to the extent reasonably practicable.
- d. Where utility or public infrastructure improvements cross or disrupt an existing Trail, greenway, or other significant non-motorized connection, the connection shall be maintained, restored, or reasonably accommodated as part of the improvement.

- e. Routine maintenance and repair of existing utilities and public infrastructure shall not require compliance with standards applicable solely to new development or substantial reconstruction, provided that disturbed areas shall be restored to the extent reasonably practicable following completion of the work.

8. Development Adjacent to Parks, Greenways, and Trails:

- a. Development adjacent to an existing or planned public Park, Greenway, or Trail shall be designed to maintain reasonable access and connectivity to the public-space network where reasonably practicable.
- b. Streets, sidewalks, Trails, and other pedestrian or non-motorized connections within a development shall be arranged to connect with adjacent existing or planned public Parks, Greenways, and Trails where reasonably practicable.
- c. Development shall not obstruct or eliminate an existing public Trail, Greenway, or established public access connection unless a reasonably comparable replacement connection is provided.
- d. Nothing in this subsection shall require public access across private property except through a public right-of-way, easement, dedication, or other lawful means of public access.

9. Greenspace Ownership and Maintenance:

- a. Greenspace required by this Section shall be permanently designated for its approved greenspace purpose through a plat, easement, deed restriction, dedication, or other legally enforceable mechanism approved by the City.
- b. Required greenspace may be publicly or privately owned.
- c. Approval of required greenspace shall not obligate the City to accept ownership, maintenance responsibility, or dedication of the property.
- d. The development application shall identify the person, entity, homeowners association, public agency, or other party responsible for long-term maintenance of required greenspace and associated improvements.
- e. Required greenspace shall be maintained in a manner consistent with its approved function, which may include natural Open Space, recreation, Trail, Greenway, drainage, stormwater, flood-management, habitat, or other approved greenspace functions.
- f. Nothing in this subsection shall require public access to privately owned greenspace unless public access is established by dedication, easement, agreement, or other lawful means.

10. Administration and Compliance:

- a. Compliance with this Section shall be demonstrated through the site plan, subdivision plat, grading plan, or other development and construction documents applicable to the proposed development.
- b. Development applications subject to the thirty percent (30%) greenspace requirement shall identify the Gross Development Area, the total area of required greenspace, the location and acreage of land proposed to satisfy the requirement, and the means by which such greenspace will be permanently designated and maintained.
- c. The Development Review Team (DRT) shall review development applications for compliance with the standards of this Section.
- d. Development applications subject to this Section shall be approved only upon a determination that the application complies with all applicable standards of this Ordinance.

- e. Compliance with the PGWO shall not relieve an Applicant from obtaining any other permit, approval, or authorization required by the Lake Point Municipal Code or applicable state or federal law.
- f. Following final approval and recordation of a development that satisfies the requirements of this Section, the City Council shall amend the Official Overlay Map to remove the PGWO designation from portions of the Gross Development Area that are not designated as required greenspace, provided that not less than thirty percent (30%) of the Gross Development Area has been permanently designated and protected as qualifying greenspace in accordance with this Section. Removal of the PGWO designation shall not reduce, eliminate, or otherwise affect the permanent protection of required greenspace. Property designated as required greenspace may remain subject to the PGWO following removal of the overlay from other portions of the development.

11. Exceptions:

The standards of this Section shall not apply to:

- a. Emergency work necessary to protect life, health, or property.
- b. Emergency utility, water, sewer, wastewater, drainage, stormwater, or flood-control repairs.
- c. Routine maintenance and repair of existing roads, Trails, utilities, drainage facilities, parks, and other public infrastructure, provided that expansion or substantial reconstruction shall not constitute routine maintenance or repair.
- d. Routine maintenance, restoration, or management of existing Parks, Greenways, Trails, Open Space, Drainage Corridors, and other greenspace that does not constitute new development or substantially alter the existing function of the property.

Emergency or maintenance work that disturbs greenspace shall restore the disturbed area to the extent reasonably practicable following completion of the work.

Section 9. Severability

If any provision of this ordinance is held invalid or unenforceable, the remaining provisions shall remain in effect to the extent permitted by law.

Section 10. Effective Date

This ordinance shall take effect upon publication, posting, or other action required by applicable law.

EXHIBIT A
OFFICIAL HCO AND PGWO OVERLAY MAP

OFFICIAL OVERLAY DESIGNATION

For purposes of this Exhibit, all property zoned Conservation, Recreation & Public Open Space (CRPO) is designated as Parks, Greenways & Wetlands Overlay (PGWO), except those portions of Tooele County Parcel Nos. 01-506-0-0013, 01-506-0-0006, 01-502-0-0015, 01-502-0-0007, and 01-502-0-0014 that are zoned CRPO, which are designated as Hillside Conservation Overlay (HCO).

The graphical map shown on this Exhibit is provided for reference and convenience only. In the event of any discrepancy between the graphical depiction and the foregoing designation, the foregoing designation shall control.

EXHIBIT A - CONTINUED

