

ORDINANCE NO. 2022-01

AN ORDINANCE ESTABLISHING A MORATORIUM ON LAND USE APPLICATIONS AND EXCEPTIONS THERETO, RESTRICTIONS ON OCCUPATION OF ACCESSORY BUILDINGS, AND TEMPORARY LAND USE ADMINISTRATION PROCEDURES

WHEREAS Lake Point is a newly incorporated municipality and had not yet adopted land use regulations including zoning, public infrastructure and water exaction requirement, subdivision procedures, and building regulations, standards, and requirements;

WHEREAS Lake Point, as a newly incorporated municipality, does not yet have a planning commission or general plan;

WHEREAS Utah Code § 10-9a-504 permits a municipal legislative body to adopt, without prior consideration of or recommendation from a planning commission, an ordinance establishing temporary land use regulations to govern all property within the municipality, which may remain in effect for up to six months from the date of adoption;

WHEREAS, all property within Lake Point is currently unregulated by Lake Point land use regulations;

WHEREAS the Lake Point City Council finds that there is a compelling, countervailing public interest in suspending and pausing all land use and development applications until at such time as the Council is able to appoint a planning commission and adopt land use regulations, except for applications related to already approved subdivisions and building permits for certain uses;

WHEREAS the Lake Point City Council finds that it is in the public interest to adopt state standards for building and construction codes and land use decisions and appeal procedures;

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

Section 1. The definitions and standards of the Utah Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a of the Utah Code, are adopted, except as otherwise provided herein.

Section 2. There is put into immediate effect a moratorium on the submission and approval of all land use applications, including but not limited to applications for new and amended subdivisions, lot line or boundary line adjustments where municipal approval is required, rezone and zoning applications, building permits, and certificates of occupancy.

Section 3. No buildings or structures over 200 square feet shall be newly constructed or occupied after the effective date of this ordinance, except as permitted by Section 4.

Section 4. Notwithstanding Sections 2 and 3, a building permit, certificate of occupancy, or other permit may be issued or approved, in accordance with state construction, fire, health, and safety codes, as defined by Title 15A of the Utah Code, in the following circumstances:

- a. For a building permit:

- i. The permit is sought for a single-family residential dwelling unit on a lot created by and shown on a subdivision plat that has been approved by Tooele County and recorded with the Tooele County recorder's office, or is sought for an accessory building or structure on a lot created by and shown on an approved and recorded subdivision plan that contains an existing single-family residential dwelling unit;
 - ii. The permit complies with all restrictions, notes, conditions, and limitations of the subdivision plat; conditions of approval of the subdivision plat by Tooele County; development agreements executed by Tooele County and recorded against the property; and setback, sizing, height, and other massing and location requirements of Tooele County that were applicable to the subdivision at the time of subdivision approval or that Tooele County would have otherwise applied to the lot prior to the incorporation of Lake Point;
 - iii. The application or request for the permit contains plans that are stamped and approved by a licensed engineer or architect, where permitted by law; and
 - iv. The application or request for the permit demonstrates that the dwelling unit will be served by adequate public facilities and utilities, including water, sewer, power, and gas, by way of "will-serve" letters, plans showing connections to existing facilities, or other reliable evidence. If a septic tank is to be used, the application or request shall demonstrate compliance with county and state health and environmental requirements.
- b. For a certificate of occupancy:
 - i. The certificate is sought for a building or structure on a lot created by and shown on a subdivision plat that has been approved by Tooele County and recorded with the Tooele County recorder's office;
 - ii. The building or structure was constructed pursuant to a duly approved building permit;
 - iii. The building or structure is served by adequate public facilities and utilities, including water, sewer, power, and gas; and
 - iv. The application or request for the certificate contains inspection report(s) by a licensed building official and other inspectors confirming that the building or structure was constructed in conformance with the duly approved building permit and all state construction, fire, health, and safety codes.
- c. For other permits:
 - i. Any other permit that is currently active and pending before Tooele County, that was submitted and in process of review by Tooele County, for which all fees were paid, and that meets the applicable requirements of Tooele County Code, all state construction, fire, health, and safety codes, and the requirements of this ordinance, if applicable, may be approved.

Section 5. No accessory buildings or structures may be occupied as a residential dwelling unit, short-term rental, or other use involving human habitation, either on a temporary or permanent basis. This shall not restrict the creation and occupation of internal accessory dwelling units within a detached, owner-occupied, single-family dwelling unit as permitted by Utah Code § 10-9a-530.

Section 6. The Lake Point City Council shall be the land use authority for all land use applications, land use decisions, and variance requests, until an ordinance is adopted.

Section 7. Any appeal from any final land use decision by the Lake Point City Council shall be brought to the district court within 30 days after the decision is final, as provided by Utah Code §§ 10-9a-701(4)(e) and 10-9a-801. Land use regulations and other legislative decisions and enactments are not subject to appeal.

Section 8. Nothing herein shall void or negate any valid and lawful land use decision, approval, permit, certificate, or contract that was approved and issued by Tooele County prior to the incorporation of Lake Point, so long as such decision, approval, permit, certificate, or contract obtained a final approval from Tooele County in compliance with governing Tooele County land use regulations and standards and remains valid and unexpired under said regulations and standards.

Section 9. This Ordinance shall take effect immediately upon publication and remain in effect for up to six months from its effective date.

PASSED, APPROVED, AND ADOPTED on the 7th day of December, 2022

Lake Point

By _____
Chair

ATTEST.

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 ☐