

ORDINANCE NO. 2023-12

AN ORDINANCE PROVIDING NOTICE OF LAKE POINT'S FORMAL INITIATION OF PROCEEDINGS TO ADOPT LAND USE REGULATIONS REGARDING RESIDENTIAL ZONING AND USE STANDARDS; COMMERCIAL AND INDUSTRIAL ZONING AND USE STANDARDS; SUBDIVISION OF LAND PROCEDURES AND REQUIREMENTS; ACCESSORY DWELLING STANDARDS; DEFINITIONS; EXACTION REQUIREMENTS FOR WATER LAND, AND STREET DEDICATIONS; STREET AND OTHER PUBLIC INFRASTRUCTURE STANDARDS AND SPECIFICATIONS; LIGHTING AND DARK SKY STANDARDS; SEXUALLY ORIENTED BUSINESSES; HOME BASED BUSINESS AND HOME OCCUPATION STANDARDS; LANDSCAPING REQUIREMENTS; STANDARDS FOR DEVELOPMENT ON SENSITIVE LANDS AND GEOLOGIC HAZARDS; SIGNS; COMPLETION AND WARRANTY ASSURANCES; SUBDIVISION AMENDMENTS; AND RELATED MATTERS

WHEREAS Lake Point is a newly incorporated municipality, created on December 21, 2022, and as such, has not yet had the ability to create or adopt a general plan or land use regulations, due to constraints of budget, personnel, capacity, and time;

WHEREAS Land within Lake Point is unregulated as to the standards, regulations, procedures, and restrictions related to residential zoning and use, commercial and industrial zoning and use, subdivisions and amendments to subdivision plats, accessory dwelling units, exactions for water, street, and other public infrastructure, standards and specifications for public infrastructure improvements, lighting and dark sky, sexually oriented businesses, home based businesses and home occupations, landscaping requirements, development on sensitive lands and geologic hazards, signs, and completion and warranty assurances, among other things;

WHEREAS the Lake Point City Council and the Lake Point Planning Commission are in the process of noticing, drafting, reviewing, and preparing the general plan and land use regulations to address the standards, regulations, procedures, and restrictions described above;

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, 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 if there is a compelling, countervailing public interest;

WHEREAS the Lake Point City Council finds that there is a compelling, countervailing public interest in facilitating and processing new land use applications under the standards that the Council is currently in the process of adopting, in order to provide reasonable regulations to govern and allow new development for the benefit, health, protection, and wellbeing of current and future residents and businesses of Lake Point;

WHEREAS, the Lake Point City Council finds and declares that the lack of adopted codes, ordinances, and land use regulations is not intended or desired by the city council, and that delays in processing and approving land use applications is also not intended or desired by the city council;

WHEREAS the Lake Point City Council finds and declares that the elected and appointed officers of the city have been diligently working to incorporate and establish the city, and to create and adopt its governing plans, codes, ordinances, and land use regulations, which requires enormous expenditures of time and resources;

WHEREAS the Lake Point City Council has engaged consultants to assist with the preparation of the city's general plan and land use regulations, to facilitate and spur the adoption of the necessary plans, codes, ordinances, and land use regulations;

WHEREAS the Lake Point Planning Commission has begun the process of reviewing and preparing the city's general plan and standards residential zoning codes, and plans to review and prepare other related land use regulations, according to the notice and hearing procedures required by state law;

WHEREAS the Lake Point City Council desires, pursuant to Utah Code § 10-9a-509, to formally initiate proceedings to adopt and amend Lake Point's land use regulations, as described herein, thereby invoking the pending ordinance doctrine;

WHEREAS the Lake Point City Council desires, pursuant to Utah Code § 10-9a-504, to adopt a temporary land use regulation that allows the submission of land use applications, provided that such applications will not be reviewed until the city is able to adopt land use regulations that allow for, regulate, and authorize the application;

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 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. Notwithstanding such moratorium, land use applications may be submitted to Lake Point, which applications shall be reviewed and shall receive a final decision in accordance with Section 5.

Section 3. No buildings or structures over 200 square feet shall be newly constructed or occupied, and no new lot shall be subdivided or developed, after the effective date of this ordinance, except as permitted by Section 5.

Section 4. 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 and applicable Lake Point land use regulations, as the same shall be adopted.

Section 5.

- a. Lake Point is in the process and has started proceedings to draft, review, and adopt land use regulations to regulate and govern the following subjects:
 - i. Residential zoning district, and the creation of residential zoning standards, including street frontage and access, setbacks, building height, density, lot coverage, accessory structure construction and usage, permitted and prohibited uses, parking requirements, public and private road requirements, utility connections and facilities.
 - ii. Commercial and industrial zoning districts, and the creation of commercial and industrial zoning standards, including street frontage and access, setback, building height, lot coverage, permitted and prohibited uses, parking requirements, public and private road requirements, utility connections and facilities.
 - iii. Subdivision ordinance that provides the process, review procedures, and requirements for the subdivision of land, including the preparation, creation, review, approval, and recordation of preliminary and final plats, and amendments to previously approved subdivision plats.
 - iv. Accessory dwelling units, including internal/attached and detached accessory dwelling units. Such regulations include regulations regarding the construction and development standards, owner-occupancy requirement, notice and recordation process, and approval process.
 - v. Exaction requirements for subdivisions and other development, including exactions of real property, land and water, for the provision of public infrastructure and services such as roads, curbs, gutters, sidewalks, stormwater and drainage facilities, and utility lines and facilities.
 - vi. Standards and specifications for public infrastructure improvements, such as roads, sidewalks, gutters, curbs, swales, other stormwater and drainage facilities, utility facilities for water, gas, power, and sewer, and other construction;
 - vii. Lighting and dark sky requirements.
 - viii. Sexually oriented businesses, including regulations on licensure, location, and safety.
 - ix. Home based businesses and home occupations, including the provision of utilities, parking requirements, traffic mitigation, primary and accessory structure use standards, and permitted and prohibited businesses and occupations.

- x. Landscaping requirements for residential, commercial, and industrial developments and uses, including requirements as to water-wise and xeriscaping landscaping.
 - xi. Development of sensitive lands, including geologic hazards as defined by state law, wetlands, construction and development on or of slopes over 25%, and similar sensitive land requirements.
 - xii. Sign regulations regarding location, size, height, and similar requirements.
 - xiii. Provision of financial assurances for the completion and warranting of public infrastructure and landscaping requirements.
- b. Lake Point shall continue to draft, prepare, review, and adopt land use regulations as described in subsection (a) above on an ongoing basis. During such time, persons are permitted to submit land use applications to Lake Point, provided that no such application will be reviewed for completeness or for compliance with Lake Point land use regulations until the relevant land use regulations are adopted.
 - c. Lake Point shall review and issue a final, written decision on any land use application as soon as the applicable land use regulations related to such application are adopted.
 - d. Should Lake Point issue a written approval of any land use application, as described in subsection (b) and (c) above, Lake Point shall be prohibited from applying any new or amended land use regulation to such application.

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 repeal any prior moratorium.

Section 10. This Ordinance shall take effect 12:00 AM, June 7, 2023, upon publication and remain in effect for up to six months from its effective date or until the City Council of Lake Point adopts the land use regulations described in Section 5.

PASSED, APPROVED, AND ADOPTED on the 31st day of May, 2023

Lake Point

By 
Chair

ATTEST:


City Recorder

SEAL

Voting:

Daniel Crawford
Doyle Garrard
Jonathan Garrard
Kathleen VonHatten
Ryan Zumwalt

Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>
Yea <u>/</u>	Nay <u> </u>	Absent <u> </u>