

RESOLUTION NO. 2023-16

A RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR LAND USE ORDINANCES

WHEREAS Lake Point City is authorized and required by Title 10, Chapter 9, Part 5, Utah Code to adopt land use ordinances that govern the city land use.

WHEREAS the Lake Point City Council desires to adopt policies and procedures to promote discussion and orderly procedure for ordinance preparation, public comment, public hearings, proper public notice and legal review by the city attorney prior to the Planning and Zoning Commission recommendation and the City Council adoption of the ordinance.

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

Section 1. The policies and procedures set forth in Exhibit A, attached hereto and incorporated herein by reference, are adopted as Policies and Procedures for Land Use Ordinance Adoption for the Lake Point City Council and the Lake Point Planning Commission.

Section 2. This Resolution shall take effect immediately upon approval.

PASSED, APPROVED, AND ADOPTED on the 7th day of June, 2023

Lake Point City

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 ☐

EXHIBIT A
LAKE POINT CITY COUNCIL
LAND USE ORDINANCE ADOPTION
PROCEDURES AND POLICIES

R 2023-16

June 7, 2023

The purpose of this document is to outline the procedures and operations of the Planning Commission—and the City Council to allow Lake Point City to adopt Land Use Ordinances or amendments to land use ordinances in an efficient, orderly, and proper manner, as authorized by Utah State Code.

Nothing in this document is intended to detract or take away from the powers, duties, or processes outlined in Utah State or Lake Point City Code.

1 INTRODUCTION

- 1.1 Form of Government: Lake Point is a five-member city council form of government. The powers are vested equally in a council consisting of five members who are designated as the land use authority.
- 1.2 Lake Point has appointed a seven-member Planning Commission to research, review and be a recommending body for land use ordinances for adoption by the City Council.

2 GENERAL RULES OF LAND USE ORDINANCE WORK

- 2.1 Public Input: The public will be provided with the opportunity for input on land use ordinances through public hearings on the specific land use ordinance. There will also be other provided opportunities during meeting public comment or through the city website public feedback links and forms.
- 2.2 The City Council and Planning Commission should have a minimum of 1 week period between a public hearing and a final vote on the land use ordinance.
- 2.3 Any questions from the Planning Commission regarding land use ordinances should be submitted by their chair and/or vice chair to the City Council land use and zoning committee. The committee will answer the questions through electronic communication and provide a response to the Commission and notify the other Council members and attorney, as needed, or answer the questions during a public meeting.
- 2.4 Any non-land use and non-zoning questions from the Planning Commission will be submitted to the City Council ordinance committee. The committee will answer the questions through electronic communication and provide a response to the commission and notify the other Council members and attorney, as needed, or answer the questions during a public meeting.

3 LAND USE ORDINANCE PROCEDURE

- 3.1 The City Council Land Use and Zoning Committee will provide the Planning Commission with any research or information they need or request to begin working on a land use ordinance that the City Council requests to be worked on.
- 3.2 The Planning Commission may also research and use their own information they collect for use on working on a land use ordinance or recommendations for changes to an existing ordinance.

3.3 The Planning Commission may also initiate their own land use ordinance recommendations outside of the City Council requests.

3.4 Once information is received and researched in Planning and Zoning committees or discussed in meetings, the Planning Commission will prepare their final information for an ordinance. This information will be submitted to the Council Land Use and Zoning Committee by the Chair and Vice Chair of the Planning Commission and then sent to the city attorney by these City Council committee members while copying the Planning Commission Chair and Vice Chair, they will request placement of the information provided to the attorney in ordinance form. The city attorney will also add any information required by state or federal law and may make suggestions, recommendations or change wording required to protect the city.

3.5 Once the city attorney places the information provided by the Planning and Zoning Commission into an ordinance, it will be returned back to the Planning and Zoning Commission for review and for further discussion by the Planning and Zoning Commission. It will also be sent to the City Council for review. After this review has been done by the Planning and Zoning Commission, they will then schedule the public hearing.

3.6 The Planning Commission will post their proposed ordinance with the hearing notice,

3.7 Once the Planning Commission posts the hearing notice with their proposed land use ordinance the ordinance cannot be changed until in the meeting for the public hearing and Planning Commission discussion and vote.

3.8 Once the Planning Commission has a final version to vote on for their recommendation they will follow the normal process for motions, vote, and adoption of their recommendation relating to the specific land use ordinance from the hearing.

3.9 Once the Planning Commission votes and has a recommendation they will submit it to the City Council for review. The Planning Commission will also submit any oral or written comments from the Planning Commission members on why they supported or opposed the ordinance or specific items in it.

3.10 The City Council will review the voted upon recommendation for any desired changes but may also research and use their own information they collect. Each City Council member may suggest changes and will review others suggested changes within 8 days of receipt from the Planning Commission. These changes will be placed on google doc for comment and review by all Council members. This review period shall consist of four days of making comments and suggestions, and four days to review the suggested comments and suggestions. The City Council may extend the review period upon a majority vote.

3.11 Once information is received and researched, recommended changes noted, and shared by the City Council any changes noted will be prepared for the City Council's final ordinance. These changes will be submitted to the city attorney for placement into the required ordinance form. The city attorney will also add any information required by federal or state law and may make recommendations, suggestions, or wording changes for items that are missing from the ordinance based on the changes made by Council and provide it back to the Council when complete.

3.12 Once the city attorney places the information provided by the City Council into an updated ordinance, it will be returned back to the City Council for review and any clarifications needed or changes must be made within an 8-day period. This review period shall consist of four days of making comments and suggestions, and four days to review the suggested comments and suggestions. The City Council may extend the review period upon a majority vote. After this review period that has been done by the City Council, they will then schedule the public hearing.

3.13 The City Council will post the city attorney drafted ordinance with the hearing notice, Once the City Council posts the hearing notice with their final prepared ordinance the ordinance cannot be changed until in the meeting for the public and Council discussion and vote.

3.14 Once the City Council has a final version to vote on for adoption they will follow the normal process for motions, vote, and adoption of the ordinance in relation to the specific land use ordinance from the hearing.

3.15 If any changes were made during the public hearing or City Council discussion, it will be reviewed by the attorney to assure it meets Federal and State law and to assure the attorney does not have any suggestions, recommendations, or wording changes. This can be done after the meeting before being signed or during the meeting and adopted as amended by the attorney.

3.16 Once the City Council has signed and adopted a final version of the ordinance, it will then be sent to CiviclínQ for placement into code on the code hosting website by Rural Community Consultants.

4 PUBLIC COMMENT & PUBLIC HEARING FOR LAND USE ORDINANCES

4.1 Purpose: The Council may wish to take public comment on an issue to be better informed prior to deciding on the issue. The city's practice is to accept public comment on any matter two times in a meeting for the Council or Planning and Zoning Commission. Some Council items require a formal Public Hearing as outlined in Utah State Code.

4.2 In all cases where the Council is hearing from the public, in the interest of maintaining a fair and efficient meeting, the following guidelines must be adhered to unless specifically permitted by the Presiding Officer and a majority of the Commission or Council members.

4.2.1 The Presiding Officer may designate a maximum duration for the public comment period and for individual comments. Individual comments may be limited to three (3) minutes, The Presiding Officer or two-three members of the Council or Commission retain discretion to limit or allow comments as appropriate.

4.2.2 Each person addressing the City Council shall be called forward and shall state their name and City of residence in an audible tone of voice for the record. The Council Members may request clarification or additional input from the staff, applicants, or the general public during the public comment while still limiting the amount of time each person has to be equal.

4.2.3 When a motion is made to close the hearing or public comment the Presiding Officer closes the public comment or hearing by a second and vote of the majority and no further remarks by the public will be heard or allowed once the hearing or public comment period is closed unless majority of the Council or Commission vote to reopen public comment.