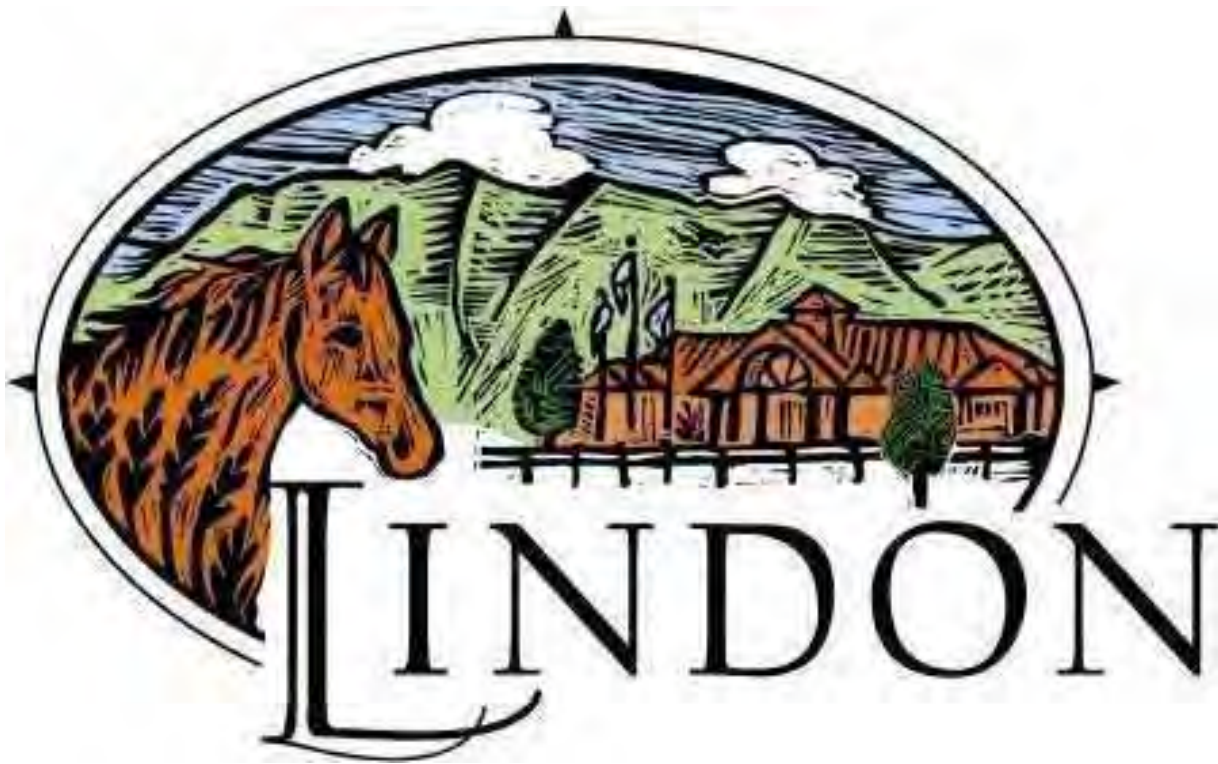


Lindon City Planning Commission Staff Report



November 14, 2023

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Karen Danielson

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, November 14, 2023, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at www.youtube.com/LindonCity. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

1. Call to Order
2. Approval of minutes
Planning Commission 10/10/2023
3. Public Comment
4. Conditional Use Permit Review – Hurt So Good Massage, 515 W. 550 N.
The planning commission will review compliance of the conditional use permit granted to Hurt So Good massage on October 11, 2022. (15 minutes)
5. Discussion and Work Item – Commercial Farm Zone
City Staff and the planning commission will discuss a potential ordinance amendment and feedback from the June 19, 2023 city council meeting. (30 minutes)
6. Discussion and Work Item – Subdivision, Zone and Land Development Policies, Standards Specifications and Drawings Manual. **City staff and the planning commission will discuss a proposed ordinance amendment and feedback to the Lindon City subdivision, zoning ordinances and Land Development Policies, Standards and Drawings Manual. (30 minutes)**
7. Planning Director Report
- General City Updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items, our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City website found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs, or events should call Kathy Moosman at 785-5043, giving at least 24 hours' notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City www.lindoncity.org websites.

**The duration of each agenda item is approximate only*

Posted By: Kathryn Moosman, City Recorder

Date: 10/10/2023 Time: 5:00 pm

Place: Lindon City Center, Lindon Police Station, Lindon Community Center

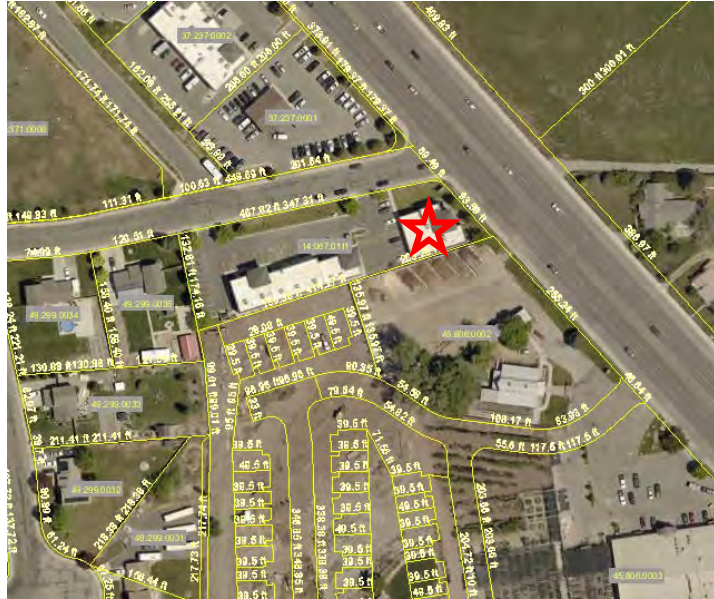
Item 4: Conditional Use Permit I-Year Review – Hurts So Good Bodywork and Massage

Date: November 10, 2023
Applicant: Bridget Carpenter
Presenting Staff: Mary Barnes

General Plan: Commercial
Current Zone: Commercial General

Property Owner: Constance C Quarre (Et Al)
Address: 515 W 550 N, Lindon
Parcel ID: 14:067:0111
Lot Size: 1 acre

Type of Decision: Administrative
Council Action Required: No
City File Number: 22-041-1



SUMMARY OF KEY ISSUES

On October 11, 2022, the planning commission granted a conditional use permit to the applicant, with the condition of a 12-month review by the planning commission to ensure all other conditions are being followed. The conditions were as follows:

1. The applicant will comply with all of the Massage Establishments requirements found in section 5.30 of the Lindon City Code;
2. The applicant will continually maintain all professional licensing with the State of Utah;
3. All regulations, codes, and ordinances of the State of Utah and Lindon City will continually be followed;

OVERVIEW

1. Bridget Carpenter has been operating her one-employee massage therapy business within Vero Health – Chiropractic and Wellness Clinic at 515 W 550 N, Suite B for the past year. She has stated that business has been great.
2. She has followed the requirements found in Title 5.30 Massage Establishments
3. She has a current massage therapist license per the Department of Professional Licensing.
4. This item does not have a motion, because it is simply a review.

SURROUNDING ZONING AND LAND USE

North: **CG-A** – Commercial General-Auto (Revolutionary Auto)

East: **CG and PRD** – State St and Planned Residential Development Overlay (Songbird Cove and Future Commercial)

South: **CG and PRD** – Planned Residential Development Overlay (Tilia Court and Lindon Nursery)

West: **R1-20** – Single Family Homes

Code Requirements

Ordinance Amendment 2022-1-O, or LCC 5.30 Massage Establishments, was officially passed by the City Council on February 7th, 2022, after a recommendation from the planning commission. The following table presents the requirements from 5.30:

Code Requirement	Exact Code Language	Compliant?
Conditional Use Permit	"Massage Establishments shall only be allowed a Conditional Use in the CG, CG-A, CG-A8, CG-S, and MC zones within Lindon City"	The applicant has a current conditional use permit and is working to complete the 12-month review condition.
Current business license	"It is unlawful for any person to operate... a Massage Establishment without... obtaining a Massage Establishment Business License"	The applicant has maintained current a business license since 10/13/2022
State License for Massage Therapy for owner and employees	"It is unlawful for any person to operate a Massage Establishment or engage in the business of a masseur... without first being licensed by the State of Utah as a Massage Therapist or Apprentice"	Yes, staff has verified that the applicant's license is current
Statement/proof verifying the applicant is 21+	"Statement or verification that the applicant for a Massage Establishment Business License is of at least 21 years of age"	Yes, this was provided last year.
Statement describing the services to be provided	"Statement describing the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted and what fees and rates the applicant will charge for massages"	Yes, this was provided last year and is attached to this staff report
Statement with employee rules and regulations	"Statement describing what rules, regulations, or employment guidelines the applicant will implement to ensure compliance with state and local regulations"	Yes, this was provided last year and is attached to this staff report
Statement with license/permit history of applicant for the previous five (5) years	"Statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application"	Yes, this was provided last year and is attached to this staff report
Written disclosures of crimes from owner and employees	"Written disclosures of all convictions of crimes involving moral turpitude within the past five (5) year of the applicant and all employees"	N/A
DRC meeting for zoning and fire code	"All applicants shall be referred to the DRC for zoning approval and to determine compliance of the premises with the fire code"	Yes, the applicant met this requirement last year.
Lindon Police Dept to search for outstanding warrants	"All applicants shall be referred to the Lindon City Police Department for a search for any outstanding warrants and a criminal history for the applicant and each employee providing massage services;"	N/A, see background check requirement.

Background check for Utah and any other state that applicant has resided in within the last five (5) years	“Individuals desiring a Massage Establishment Business License shall complete a background check. In the event that licensee or any employee is or has been the resident of another state within the last five (5) years, background checks must be conducted for that state(s).”	Yes, this was provided last year.
Utah driver’s license	“Individuals desiring a Massage Establishment Business License shall possess a current State of Utah driver’s license or identification card.”	Yes, this was provided last year.
Proof of United States citizenship	“Individuals desiring a Massage Establishment Business License shall be a citizen of the United States or be authorized to work within the United States by United States Department of Homeland Security.”	Yes, this was provided last year.

STAFF ANALYSIS

The applicant has been a great addition to the Lindon City business community and has continued to meet all the requirements for a Massage Establishment Business license. The applicant is also working towards ensuring that she meets all the conditions in the conditional use permit. It is expected that this business will continue to have minimal impact and will be compatible with the wellness and chiropractic clinic that it will be associated with.

EXHIBITS

1. Aerial Image
2. 10/11/2022 Conditional Use Permit
3. Business description and required statements
4. LCC 5.30 Massage Establishments

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-7687
FAX 801-785-4510
www.lindoncity.org

CONDITIONAL USE PERMIT APPROVAL

Date: 10/11/2022

Applicant: Bridget Carpenter, Hurts So Good Bodywork and Massage

Location and Parcel Number: 515 W 550 N, Suite B, 14:067:0111

Zoning District: Commercial General (CG)

Fee Title Owner: Constance C Quarre (Et Al)

City File Number: 22-041-1

At a public meeting held on October 11, 2022, the Lindon City Planning Commission gave Bridget Carpenter with Hurts So Good Bodywork and Massage Conditional Use Permit Approval to use the property located at 515 W 550 N, Suite B for a massage establishment with the following conditions:

1. The applicant will comply with all of the Massage Establishments requirements found in section 5.30 of the Lindon City Code;
2. The applicant will continually maintain all professional licensing with the State of Utah;
3. All regulations, codes, and ordinances of the State of Utah and Lindon City will continually be followed;
4. There will be a 12-month review by the planning commission that these conditions are being followed; and
5. All items of the staff report.

FOR THE CITY:

A handwritten signature in black ink, appearing to read "Michael Florence", written over a horizontal line.

Michael Florence

APPLICANT:

A handwritten signature in black ink, appearing to read "Bridget Carpenter", written over a horizontal line.
Print Name

A handwritten signature in black ink, written over a horizontal line.
Signature

Please take notice of the following as per Lindon City Code:

17.20.030 - In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on such site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the property of the permittee, a temporary suspension may be made effective immediately upon notification by the zoning administrator.

Statements for conditional use permit to establish Massage therapy business, "Hurts So Good Bodywork and Massage"

I Bridget James Carpenter am 37 and over the age of 21. Driver's license with my birthday is attached.

I will be providing therapeutic massage therapy services specializing in addressing the conditions of sciatica, and those caused from sports and injuries. I will use hot towels to warm up muscles and ice/cryotherapy, but nothing else other than massage. I will have one on one sessions with clients who are either clothed or fully draped, I understand the Lindon code for draping and massage. I will be charging \$60 for 25 minutes, \$100 for an hour, \$150 for 90 minutes and \$200 for 2 hours.

I am the only employee in my business and I'm working out of a wellness center with other practitioners that are not massage. I will always leave the room when clients disrobe and be sure they are covered before reentering. When working on clients I will only undrape one part of the body at a time and private areas will stay covered always. I have consent forms and will only massage areas the client asks me to/ I have consent to work. No one other than me will be in or use the room I use for massage. I will be sure to always dress modestly with pants to the knee and high neck shirts with sleeves. I will maintain my massage license and liability insurance for both the massage itself and the building. I will have a strict no drugs or alcohol policy and will refuse service to anyone who is obviously under the influence.

I was issued my massage license in 2008, have kept it current and it has never been revoked or denied. From July 2021- now I have been working at Massage Envy in American Fork. From March 2020- July 2021 I took a break from massage during covid and worked in a different field. From May 2015-March 2020 I worked at the South Jordan Massage Envy. I got a business license to practice massage out of my home in Pleasant Grove in 2019 but only ended up seeing one client before deciding I would prefer an office outside of home or to work for someone.

I have never been convicted or accused of any sort of crime

Chapter 5.30

MASSAGE ESTABLISHMENTS

Sections:

- 5.30.010 Definitions.**
- 5.30.020 Zoning – Conditional use and home occupation permit required.**
- 5.30.030 License required – Application.**
- 5.30.040 Qualifications of the licensee.**
- 5.30.050 Sanitation of premises.**
- 5.30.060 Employees, independent contractors and lessees.**
- 5.30.070 Hours of operation.**
- 5.30.080 License fees.**
- 5.30.090 Display of state and city licenses.**
- 5.30.100 Transfer of ownership of business license prohibited.**
- 5.30.110 Prohibited acts.**
- 5.30.120 Denial, suspension or revocation.**
- 5.30.130 Appeals.**
- 5.30.140 Violations.**

5.30.010 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

“Massage” means the same as “practice of massage therapy” as defined in Utah Code § [58-47b-102](#), as may be amended.

- a. “Massage” as used in this section does not mean the manual or mechanical manipulation of soft tissue of the body by a licensed physician, chiropractor, or physical therapist.

“Massage apprentice” means an individual licensed by the state of Utah under the Utah Massage Therapy Practice Act as a massage apprentice to work under the direct supervision of a licensed massage therapist.

“Massage establishment” means any location, place, area, structure, or business used for the practice of massage or instructing massage for either a fee, a gratuity, or as a free service or as demonstrations.

- a. “Massage establishment” does not include the offices or facilities of a licensed physician, chiropractor, or physical therapist.

“Massage establishment business license” means a business license issued pursuant to the provisions of this chapter.

“Massage therapist” means an individual licensed by the state of Utah under the Utah Massage Therapy Practice Act as a massage therapist.

“Specified anatomical areas” means the same as defined in Section [8.30.040](#), as may be amended.

“Specified sexual activities” means the same as defined in Section [8.30.040](#), as may be amended. (Ord. 2022-1 §1, amended, 2022)

5.30.020 Zoning – Conditional use and home occupation permit required.

1. Massage establishments shall only be allowed as a conditional use in the CG, CG-A, CG-A8, CG-S, and MC zones within Lindon City.
2. A massage establishment may be permitted as a home occupation subject to the following conditions:
 - a. A home occupation for message therapy must comply with all conditions and requirements set forth in this chapter;
 - b. A home occupation for message therapy must comply with all conditions set forth in Section [17.04.400](#);
 - c. A home occupation for message therapy shall not be allowed to have any employees or part-time equivalent employees. All massage therapy services provided in association with the home occupation shall be provided only by the home occupation permit holder. (Ord. 2022-1 §1, amended, 2022)

5.30.030 License required – Application.

1. *Massage Establishment Business License Required.* It is unlawful for any person to operate, conduct, carry on or maintain a massage establishment without meeting the requirements of this chapter and obtaining a massage establishment business license as required by this chapter.
2. *State License Required.* It is unlawful for any person to operate a massage establishment or to engage in the business of a masseur or the practice of massage therapy in the city without first being licensed by the state of Utah as a massage therapist or massage apprentice.
3. *Requirements for the Issuance of a Massage Establishment Business License.* Every person desiring a massage establishment business license shall file an application to the business license authority of the city. The application shall contain the following information:
 - a. A statement and verification that the applicant for a massage establishment business license is of at least twenty-one (21) years of age;

- b. A statement describing the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises and what fees and rates the applicant will charge for massages and other services;
- c. A statement describing what rules, regulations or employment guidelines, if any, the applicant will implement to ensure compliance with state and local regulations;
- d. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant has previously operated or is seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;
- e. Written disclosures of all convictions of crimes involving moral turpitude within the past five (5) years of the applicant and all employees;
- f. Proof that the applicant and all employees are licensed by the state of Utah as massage therapists or massage apprentices; and
- g. Contact information for a responsible owner and/or operator who may be reached during all business hours.

4. *Investigation of Licensee and Premises.* All applications for a massage establishment business license shall be referred to:

- a. The development review committee for zoning approval and to determine compliance of the premises with the provisions of the fire code;
- b. The Lindon City police department for a search for any outstanding warrants and a criminal history for the applicant and each employee providing massage services;
- c. The Utah County Health Department for investigation of the sanitary condition of the premises and compliance with applicable health regulations.

5. *Obligation to Update Required Information.* Any change in the information required to be submitted under this chapter, including the name and DOPL license number of each new employee providing massage services, shall be filed, in writing, with the city recorder within fourteen (14) days of such a change occurring. (Ord. 2022-1 §1, amended, 2022)

5.30.040 Qualifications of the licensee.

Each individual desiring a massage establishment business license shall:

1. Be an individual at least twenty-one (21) years of age.
2. Have no convictions of crimes involving moral turpitude within the past five (5) years.
3. Possess a current state of Utah driver's license or identification card.
4. Be a citizen of the United States or be authorized to work within the United States by United States Department of Homeland Security.
5. Submit copies of current license issued by the state of Utah for each massage therapist or massage apprentice employed at the massage establishment.
6. Complete background checks for licensee and all employees. In the event that the licensee or any employee is or has been the resident of another state within the last five (5) years, background checks must be conducted for that state(s). (Ord. 2022-1 §1, amended, 2022)

5.30.050 Sanitation of premises.

Each massage establishment shall maintain its premises in compliance with state and county health regulations and shall ensure all patrons are provided with clean, sanitary, and opaque coverage capable of covering the patron's specified anatomical areas. No common use of such coverings shall be permitted, and reuse of such coverings is prohibited unless they have been adequately cleaned and laundered. In addition, no owner, operator, managing employee, manager, employee, or masseur should administer a massage unless the patron has, at a minimum, a clean, opaque covering over their specified anatomical areas. (Ord. 2022-1 §1, amended, 2022)

5.30.060 Employees, independent contractors and lessees.

1. The owner and operator of a massage establishment shall be responsible for all activities and services provided in or on the establishment's premises, regardless of whether or not a massage therapist or massage apprentice is an employee, independent contractor, or is otherwise a third-party lessee who has rented space within the massage establishment. Any violation of this chapter by any employee, independent contractor or lessee shall constitute a violation of the chapter by the owner and operator of the massage establishment.
2. The owner and operator of a massage establishment shall be responsible to maintain current contact information, including residential addresses, and proof of licensure by the state of Utah for all employees, independent contractors, or lessees who provide massages or other services at the massage establishment. (Ord. 2022-1 §1, amended, 2022)

5.30.070 Hours of operation.

Massage establishments may not be open or operated between the hours of 10:00 p.m. and 6:00 a.m. (Ord. 2022-1 §1, amended, 2022)

5.30.080 License fees.

Licensing fees for a massage establishment business license shall be the same as for other business licenses issued by the city and shall be paid pursuant to Section [5.04.130](#). (Ord. 2022-1 §1, amended, 2022)

5.30.090 Display of state and city licenses.

1. Every massage establishment licensed under this chapter shall display its massage establishment business license in a conspicuous place on the premises.
2. Every massage therapist or massage apprentice, while on the premises of a licensed massage establishment, shall maintain in his or her possession or immediate presence his or her state-issued massage therapist or massage apprentice license or have it conspicuously displayed on the premises. (Ord. 2022-1 §1, amended, 2022)

5.30.100 Transfer of ownership of business license prohibited.

Massage establishment business licenses granted under this chapter shall not be transferable. (Ord. 2022-1 §1, amended, 2022)

5.30.110 Prohibited acts.

The following acts are prohibited:

1. It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the state of Utah as a massage therapist or massage apprentice.
2. It is unlawful for any massage establishment to employ or contract with, for the purpose of performing massage, any individual who is not licensed by the state of Utah as a massage therapist or massage apprentice.
3. It is unlawful to serve, store, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.
4. It is unlawful for a massage therapist, a massage apprentice, an employee, or an independent contractor of a massage establishment to touch, massage, or apply any instrument or device, or offer to touch, massage, or apply

any instrument or device, to the specified anatomical areas of any person while on the premises of a massage establishment.

5. It is unlawful for a massage therapist, massage apprentice, employee, independent contractor, or customer of the massage establishment to display to any other person any specified anatomical area or to engage in any specified sexual activities while on the premises of the massage establishment.

6. It is unlawful for a premises licensed as a massage establishment to be used for the purpose of housing, sheltering or harboring, or cause or permit the same to be used as living or sleeping quarters by employees or other persons.

7. With the exception of bathrooms, dressing rooms, or any other room used for dressing purposes, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons, or which can be viewed by patrons from such an area, unless the person's specified anatomical areas are fully covered. Further, no owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all the persons present have their specified anatomical areas completely covered.

8. It is unlawful for any owner, operator, or other person in charge of or in control of a massage establishment to permit any masseur or employee to be on the premises of a massage establishment during its hours of operation or while performing, or available to perform, any task or service associated with the operation of a massage business, unless the masseur or employee is fully covered from the center of the kneecap to the base of the neck, excepting the hands and arms. Such covering must be of opaque material and maintained in a clean and sanitary condition.

9. It is unlawful for a massage establishment to hold itself out as a licensed facility or to advertise massage services to the public without being properly licensed by both Lindon City and the state of Utah.

10. It is unlawful for any person to hold themselves out as a licensed massage therapist or to advertise massage services to the public without being properly licensed by the state of Utah.

11. It is unlawful for any owner, operator, responsible managing employee, manager, licensee, or lessee in charge of or in control of a massage establishment to allow such establishment and its related massages and operations to be conducted in violation of the Utah Massage Therapy Practice Act, as set forth in Title [58](#), Chapter [47b](#) of the Utah Code, as may be amended. (Ord. 2022-1 §1, amended, 2022)

5.30.120 Denial, suspension or revocation.

1. *Conditions of Denial, Suspension or Revocation.* Any massage establishment business license issued by the city may be suspended or revoked, and any application for any business license or for the renewal of any business license may be denied, by the business license authority upon a finding of a violation of the city code or conviction of any of the following with respect to the licensee or licensee's operator or agent:

- a. A violation of or a conviction for violating any ordinance regulating or governing the massage establishment for which said license was granted; or
 - b. A violation of or conviction for violating any other city ordinance or law of the state which affects the health, welfare or safety of its residents, including, but not limited to, a public nuisance, and which violation or conviction relates to the business so licensed or to be licensed; or
 - c. A violation of or conviction for violating an ordinance which violation or conviction resulted from the operation of the business so licensed; or
 - d. Any material misrepresentation or any fraud perpetrated on the licensing authority through application for, or operation of, said business.
2. *Other Grounds Not Precluded.* These violations shall not limit, but shall be in addition to, any other grounds for the denial, suspension or revocation of any license as provided for by ordinance or law.
3. *Procedure.* Prior to the denial, suspension, or revocation of any massage establishment business license the following procedures must be satisfied:
 - a. *Hearing Required.* No suspension, revocation or denial of the renewal of a license by the city may take place until a hearing is first held before the business license authority, or an appointed hearing examiner.
 - b. *Reasonable Notice.* Notice of the time and place of the hearing, together with notice of the nature of the charges or complaints sufficient to reasonably inform the licensee or applicant and to enable him/her to answer such charges and complaints, shall be served upon the licensee or applicant personally or by mailing a copy to the licensee or applicant at his or her last known address.
 - c. A licensee or applicant shall have the right to appear at the hearing in person or by counsel, or both, present evidence, present argument on the licensee's or applicant's behalf, cross-examine witnesses, and in all proper ways defend the licensee's or applicant's position. (Ord. 2022-1 §1, amended, 2022)

5.30.130 Appeals.

1. An applicant or license holder who has a massage establishment business license denied, suspended or revoked may appeal the decision to the city administrator.
2. Notice of an appeal shall be filed with the city administrator within fourteen (14) days of the decision denying or revoking the license.
3. The notice of appeal shall identify the appellant and set forth the grounds for the appeal.
 - a. If a notice fails to state the grounds for the appeal it may be summarily denied.
 - b. An appellant must present every theory of relief it is claiming to preserve that theory for review.

4. The city administrator may hear the appeal or may appoint an appeals officer to hear the appeal.
5. Upon receipt of an appeal, the city administrator or appeals officer shall set an informal hearing as soon as practically possible (but not later than thirty (30) days after receipt of the request) in which the appellant and interested parties may address the city's decision.
6. The appellant has the burden of proving the city's decision was made in error.
7. The city administrator or appeals officer shall review factual matters on the record and shall be limited to reviewing documents and information presented to the city licensing authority during the application or suspension/revocation process.
8. Any decision by the city administrator or appeals officer shall:
 - a. Be issued in writing within fourteen (14) days of the meeting at which the appeal was heard;
 - b. Set forth the findings of the city administrator or designated appeals officer; and
 - c. Be delivered in person or by first-class mail to the appellant. (Ord. 2022-1 §1, amended, 2022)

5.30.140 Violations.

Any person, firm, or corporation violating any provisions of this chapter shall be guilty of a class B misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. (Ord. 2022-1 §1, amended, 2022)

The Lindon City Code is current through Ordinance 2023-11, passed July 17, 2023.

Disclaimer: The city recorder's office has the official version of the Lindon City Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.lindoncity.org](http://www.lindoncity.org)

[City Telephone: \(801\) 785-5043](tel:(801)785-5043)

[Hosted by Code Publishing Company, A General Code Company.](#)

Item 5: Commercial Farm Zone Ordinance Amendment Discussion/Work Item

Date: **November 14, 2023**

Applicant: **Lindon City**

Presenting Staff: **Michael Florence**

Type of Decision: **Legislative Action**

Planning Commission Action Required: **Not at this time**

SUMMARY OF KEY ISSUES

1. **June 19, 2023, the Lindon City Council approved the ordinance amendment for Bed and Breakfast uses in the Commercial Farm Zone.**
2. **At the June 19, 2023 meeting the city council reviewed the current list of permitted and conditional uses allowed in the Commercial Farm Zone. The city council asked that the ordinance be reviewed to see if regulations and uses allowed in the zone need to be “tightened up” to ensure the original intent of the ordinance is met.**
3. **The planning commission will not be making any official decisions at this meeting but discussing options with city staff in preparation for a future ordinance draft and public hearing.**

OVERVIEW

1. **City staff recommends that the planning commission review the June 19, 2023 Youtube video of the city council meeting regarding the discussion of uses and intent of the Commercial Farm Zone.**
 - a. **Youtube video link (Start at Minute 43 and ends at minute 1 hr 23 minutes)**
 - b. **<https://www.youtube.com/watch?v=M3NuOpjeow&t=4960s>**
2. **City staff have also provided a summary of comments from the mayor, city council and city staff regarding this discussion. See Exhibit 2**
3. **Topic of discussion for the Planning Commission will include:**
 - a. **Ensuring that the 40% open space/agricultural requirement in the Commercial Farm zone is one of the primary focuses of the zone. While the city does not audit or regulate the income from the 40% agricultural requirement the ordinance requires that there be a reasonable expectation of profit.**
 - i. **At the city council meeting, there was discussion about adding additional standards to encourage strong agricultural uses to meet the intent of the zone.**
 - b. **Reviewing the conditional uses that are allowed in the Commercial Farm zone. As the ordinance is currently written, a property owner in the Commercial Farm zone could obtain conditional use permit approval and incorporate each use within the zone. The following commercial uses are allowed by conditional use:**
 - i. **Caretaker’s or farm-help accessory dwelling unit; commercial horse stables; farmers’ market; greenhouses; plant or garden nursery; garden center; bed and breakfast guestroom units; educational programs and associated facilities; reception center; conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet of processing and production area)**

- ii. A property owner would need to meet the parking requirements for each use. Parking requirements would be reviewed with each conditional use application.
- iii. The city council did remove amphitheater uses from the zone as part of their review to protect surrounding neighborhoods.
- iv. The Commercial Farm zone, as it is currently written, requires a minimum of 40% agricultural area be preserved and limits the maximum building coverage of the site to 40%.
- v. In regarding the uses how best should the city regulate those:
 - 1. By building square footage
 - 2. Reduce the percentage of allowable building coverage in the zone.
 - a. Wadley Farms has an approximate building coverage of 5%. A 40% building coverage would allow up 318,859 square feet of building coverage.
 - b. Walker Farms has an approximate building coverage of 9%. A 40% building coverage would allow up to 105,589 square feet of building coverage.
 - c. Most likely neither commercial farm zone would meet their allowed building coverage due to parking requirements.
 - 3. Regulating the overall number of uses
 - 4. Regulating the number of uses by acreage
 - 5. Follow something similar to the animal code where a property owner is allowed to have a certain number and type of uses depending on the overall acreage and type of uses

Exhibits:

- 1. Commercial Farm Ordinance
- 2. Summary comments from June 19, 2023 city council meeting

Chapter 17.51

COMMERCIAL FARM ZONE

Sections:

- 17.51.010 Purpose and objectives.**
- 17.51.012 Permitted uses.**
- 17.51.014 Owner residency required.**
- 17.51.015 Agricultural production required.**
- 17.51.020 Lot area.**
- 17.51.030 Lot width.**
- 17.51.040 Lot depth.**
- 17.51.050 Lot frontage.**
- 17.51.070 Number of dwellings per commercial farm development.**
- 17.51.075 Bed and breakfast.**
- 17.51.080 Noncommercial building yard setback requirements.**
- 17.51.085 Commercial building yard setback requirements.**
- 17.51.090 Projections into yards.**
- 17.51.100 Building height.**
- 17.51.110 Distance between buildings.**
- 17.51.120 Permissible lot coverage.**
- 17.51.125 Screening and fencing.**
- 17.51.130 Parking.**
- 17.51.140 Residential and agricultural accessory buildings.**
- 17.51.145 Noise limits.**
- 17.51.150 Other requirements.**

17.51.010 Purpose and objectives.

Commercial farm zones (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial activities which could be used as additional revenue sources to help sustain and support agricultural industry within Lindon City. Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as a “holding zone” to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the general plan land use map. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.012 Permitted uses.

The following is a list of permitted, conditional, and nonpermitted uses in the CF zone:

1. *Permitted Uses.* Single-family dwelling; accessory buildings to a single-family dwelling; agricultural production and related accessory buildings; other permitted uses in the R1 residential zones.
2. *Conditional Uses.* Caretaker's or farm-help accessory dwelling unit; commercial horse stables; farmers' market; greenhouses; plant or garden nursery; garden center; bed and breakfast guestroom units; educational programs and associated facilities; reception center; conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet of processing and production area). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.014 Owner residency required.

Each commercial farm project shall have a legal on-site residence that is owner occupied. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, adopted, 2017)

17.51.015 Agricultural production required.

1. At least forty percent (40%) of the property must be maintained in active agricultural production and be managed in such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility.
2. For the purposes of this chapter, "agricultural production" shall be defined as the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.020 Lot area.

The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous. The minimum required development area shall be consolidated into one (1) parcel or lot. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.030 Lot width.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall have a width of not less one hundred feet (100') (measured at front yard setback). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.040 Lot depth.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall have a minimum lot depth of one hundred feet (100'). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.050 Lot frontage.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall abut a public street for a minimum distance of fifty feet (50'), on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.070 Number of dwellings per commercial farm development.

Not more than one (1) single-family dwelling with an accessory apartment, and one (1) caretaker's or farm-help dwelling, may be placed on a lot or parcel of land in the CF zone (or conglomeration of parcels necessary to meet minimum acreage requirements). The total number of residential dwellings, accessory, caretaker's or farm-help apartments or bed and breakfast guestroom units combined shall not exceed six (6). The combined total number of residential dwellings, accessory apartment, and bed and breakfast guestroom units includes the guestroom units per acre requirements allowed for bed and breakfast uses.

In no case may the caretaker's, farm-help dwelling, accessory apartment, or bed and breakfast guestroom units be sold as a separate, subdivided lot or parcel unless the property is rezoned to allow such use and meet development standards of the single-family R1-20 zone. Owner occupancy of a primary residence on the property is required to maintain a caretaker's or farm-help dwelling unit. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.075 Bed and breakfast.

A bed and breakfast use may be approved following conditional use permit standards of Title [17](#) and meet the follow requirements:

1. Contain a total maximum number of four (4) guestroom units based on the calculations below.
 - a. The number of guestroom units is based off acres within the commercial farm zone. The property may have one (1) guestroom unit per four (4) acres of property.
 - b. Guestroom units may be located in one (1) building facility or separate detached buildings but shall not exceed the number of allowed guestroom units.
 - c. The property owner shall live on site as their primary residence.
 - d. Development standards, setbacks, and frontage of the commercial farm zone shall be met whether the bed and breakfast guestroom units are incorporated into one (1) building facility or separate detached buildings.
 - e. The property owner shall be responsible to meet the sanitation requirements for public lodging facilities as described by Utah Administrative Rule 392-502 or as amended; and
 - f. Guestroom units shall comply with all building and fire code requirements. (Ord. 2023-5 §1, adopted, 2023)

17.51.080 Noncommercial building yard setback requirements.

The following minimum yard requirements shall apply to noncommercial buildings in the CF zone. (Note: All setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.):

1. Front yard setback: thirty feet (30').
2. Rear yard setback: thirty feet (30').
3. Side yard setback: ten feet (10').
4. *Street Side Yard – Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than thirty feet (30') and shall not be used for vehicle parking, except such portion as is devoted to driveway use. Of the remaining rear and side yards on a corner lot, one (1) rear yard setback of thirty feet (30') and one (1) side yard setback of ten feet (10') shall be required on the remaining non-street-facing sides of the lot. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.085 Commercial building yard setback requirements.

The following minimum yard requirements shall apply to the following commercial buildings/structures in the CF zone: amphitheater, reception center, conference center, boutique, cafe, restaurant, veterinary clinic, and food manufacturing.

(Note: Unless otherwise noted, all setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.)

1. Front yard setback: fifty feet (50').
2. Rear yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
3. Side yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
4. *Street Side Yard – Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than fifty feet (50'). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, adopted, 2017)

17.51.090 Projections into yards.

1. The following structures may be erected on or project into any required yard setback:
 - a. Fences and retaining walls in conformance with the Lindon City Code and other city codes or ordinances.
 - b. Necessary appurtenances for utility service.
2. The structures listed below may project into a minimum front, side, or rear yard not more than the following distances:
 - a. The following may project into a minimum front, side or rear yard not more than twenty-four inches (24"): cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided that they are not wider than eight feet (8')), measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
 - b. The structures listed below may project into a rear yard not more than twelve feet (12'): a shade structure or uncovered deck (which does not support a roof structure, including associated stairs and landings) extending from the main-floor level and/or ground level of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.
 - c. The following may project into a front, side or rear yard (above or below grade) not more than four feet (4') as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies, landings, and fire escapes. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.100 Building height.

No lot or parcel of land in the CF zone shall have a building or structure which exceeds a maximum average height of thirty-five feet (35'), measuring the four (4) corners of the structure from finished grade to the highest point of the roof structure. In all zones, the planning director and chief building official shall be responsible for designating and identifying the four (4) corners of a structure. Nonhabitable architectural features or structures not wider than ten feet (10') such as silos, steeples, cupolas, or other similar structures may exceed the building height up to forty-five feet (45'). No dwelling shall be erected to a height less than one (1) story above grade. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.110 Distance between buildings.

The separation distance between any accessory buildings and a dwelling, or the distance between multiple detached accessory buildings, shall not be less than ten feet (10'). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.120 Permissible lot coverage.

1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot or parcel of land, or the conglomeration of parcels as defined in Section [17.51.020](#).
2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped to meet the design requirements of Chapter [17.19](#). On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. (Ord. 2023-5 §1, amended, 2023; Ord. 2023-1 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.125 Screening and fencing.

1. The following screening and fencing requirements are required in the CF zone:
 - a. A six-foot (6') high site obscuring fence shall be constructed and maintained along any property line between a residential use or residential zone and a commercial building in the CF zone when the commercial building is closer than thirty feet (30') from the property line. The fence shall be placed along the property line at an area parallel to the commercial building and shall extend a minimum of fifty feet (50') along the property line from both directions from the ends of the building.
 - b. Any commercial structure closer than thirty feet (30') to a residential use or residential zone shall provide a minimum ten-foot (10') wide tree-lined buffer from the commercial building to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the buffer area adjacent to the residential

use or residential zone. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide an increased visual barrier between the commercial use and the residential use.

2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in the CF zone are not considered commercial structures.
3. The planning commission may waive or modify the fencing and/or landscape screening requirement upon finding that the fence and/or landscaping is not needed to protect adjacent residential uses from adverse impacts, or that such impacts can be mitigated in another appropriate manner. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.130 Parking.

1. Each use in the CF zone shall have, on the same lot or conglomeration of parcels as defined in Section [17.51.020](#), off-street parking sufficient to comply with the number of spaces required by Chapter [17.18](#).
2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter [17.18](#), but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street.
3. Notwithstanding number 2 above, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten-foot (10') landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the landscaped strip. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. Trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide a visual barrier between the parking lot and the residential use/zone.
4. No required parking spaces shall be within thirty feet (30') of a front property line or street side property line unless approved by the land use authority. The land use authority may reduce this requirement where an alternative plan is proposed that meets the design intent of the commercial farm zone while also maintaining appropriate setbacks and buffers compatible with surrounding properties. There shall be no overall net loss of landscape percentage for the site.
5. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public buildings being accessed from the spaces. (Ord. 2023-5 §1, amended, 2023; Ord. 2019-9 §1, amended, 2019; Ord. 2017-16 §1, amended, 2017)

17.51.140 Residential and agricultural accessory buildings.

1. *Accessory Building Within the Buildable Area (Noncommercial)*. Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling are permitted when in compliance with the following requirements:

- a. Have a building height not taller than thirty-five feet (35'). Height to be calculated as per Section [17.51.100](#).
- b. Comply with all lot coverage requirements.

2. *Accessory Building Outside the Buildable Area (Noncommercial)*. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the following:

- a. Be set back a minimum of thirty feet (30') from the front property line and five feet (5') from any other property line.
- b. Be set back a minimum of ten feet (10') from property line when located between the main dwelling and the side property line.
- c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.
- d. Have an average building height of no more than twenty feet (20') in height measured at the four (4) corners of the structure from finished grade to the highest point of the roof structure.
- e. Comply with distance between buildings requirements.

3. Accessory buildings larger than two hundred (200) square feet shall be required to obtain a building permit.

4. Construction of an accessory building may precede the construction of the primary residence. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.145 Noise limits.

1. Noise levels, as measured in decibels, from any commercial event/activity shall be limited to the following levels:

- a. Eighty-five (85) dBA between 7:00 a.m. and 10:00 p.m.
- b. Fifty-five (55) dBA between 10:00 p.m. and 7:00 a.m.

2. Devices used to measure noise levels shall:

- a. Be set to the “A” frequency weighting and “slow” response characteristic; and
 - b. Be placed at any point on the property line.
3. Any noise level greater than the approved levels above may be allowed through the issuance of a special event permit as approved by Lindon City. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, adopted, 2017)

17.51.150 Other requirements.

1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all applicable sections of Title [6](#) (Animal Regulations) pertain to the CF zone, including setbacks to agricultural buildings and corrals.
2. *Signage.* Signs allowed within the CF zone are limited to monument signs, wall signs, banner signs, flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully described in Title [18](#). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017; Ord. 2011-6, amended, 2011)

The Lindon City Code is current through Ordinance 2023-11, passed July 17, 2023.

Disclaimer: The city recorder’s office has the official version of the Lindon City Code. Users should contact the city recorder’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.lindoncity.org](http://www.lindoncity.org)

[City Telephone: \(801\) 785-5043](tel:8017855043)

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City Council Commercial Farm Zone Discussion Summary

City Council Item Start Time: 43:10

Michael Florence: While the city is updating the Commercial Farm Zone we want to make sure that you (city council) are good with the permitted and conditional uses that are in the zoning ordinance as it stands. See list of Permitted and Conditional Uses. Is the city council alright with all the permitted and conditional uses in the two commercial farm zones.

Mayor Lundberg: Reminder that this ordinance pertains widely. If we had other locations that the ordinance applies to. Allow the number of uses per acre. Think about if we had 3rd, 4th and 5th locations.

Councilmember Powell: Amphitheater could be problematic. Would like to take amphitheater off the list of conditional uses. The sound bleeds off and radiates.

Councilmember Hoyt: Feel like we have spot zoned for two different locations. Parking at Wadley Farm is great and Walker is not as great. If we had a restaurant come in with a lot of parking. Neighbors would not be happy. At Wadley's it wouldn't matter. Need to think if we had a 3rd, 4th and 5th location.

Brian Haws: parking issue is why staff is wondering about all of these uses. Do we really want all of these uses.

Mayor Lundberg: What if uses were based off of acreage?

Alan Colledge: Having animals in a residential area opens up the commercial areas. 5 acres gets you to two acres of farm zone and 3 acres to buildings. Likes the requirement of 5 acres of greenbelt instead of just agricultural. This allows us to meet the intent of agricultural uses.

Councilmember Powell: Would like to limit it slightly. I would go back to the original emphasis that agricultural production is the goal. Not letting it get out of hand. Not too big or too broad.

Councilmember Broderick: What do we think about the greenbelt comment about the acreage being transferred. New farm would need to be greenbelt. Keeps the agricultural feel. Thought that this was a good suggestion to be considered and discussed. What impacts does this place.

Councilmember Powell: Would this potentially limit people and then they would just go and sell the property for development?

Councilmember Hoyt: Open space is just as important. Originally liked the greenbelt comment but would like to see as many of these as possible. Only one or two that you could still aggregate for more of these uses. Greenbelt may deter people from doing more of these.

Mayor Lundberg: What about the topic of all the commercial uses being open to any size commercial farm? Maybe tiered options

Councilmember Powell: Maybe like our animal ordinance?

Councilmember Hoyt: So right now on any 5 acre piece that could have up to 6 dwelling uses?

Mayor Lundberg: Is there a concern that you could have the 40% open space then all of the commercial uses. Is there a concern or not?

Councilmember Vanchiere - Doesn't think that you will get all the uses. You may get one or two. Doesn't think that you will get a multitude of these uses.

Mayor Lundberg: Adam, which of all the uses require staff to review parking.

Adam: several have assigned parking in the parking ordinance.

Mayor Lundberg: That may limit the uses right there

Councilmember Hoyt: Do we allow shared parking?

Councilman Vanchiere: Have you ever come close to using all of your parking spots? (Question to Alan Colledge)

Alan Colledge: One time. Life Hacks and a reception that was going on at the same time as Life Hack. All of the parking was used that one time.

Councilmember Powell: What is the vision council members have for the 40% agricultural? What type of proof if any do we request to be profitable. How do we maintain this as a goal and proof of 40% agricultural.

Brian Haws: We do have a standard set by the state for greenbelt. This is probably good enough effort.

Councilmember Vanchiere: Am I correct if someone wanted to come and rezone their property to CF zone they would already have to be active production.

Mayor Lundberg: They would have to show a plan.

Councilmember Powell: Trying to avoid another project coming in under the impression of a reception center but only selling flowers. Put some standards in place.

Councilmember Broderick: likes the definition of what we have already in place.

Adam Cowie: the point was to allow these other uses because farming is not always profitable. The intent was to have profit generating businesses to preserve the open space. There was discussion when the ordinance was created whether an audit should be conducted. This could be \$100 per year. It is the other business ventures that help preserve the open space.

Mayor Lundberg: What I am hearing is that the open space should be the focus and not just ancillary to the site. There is a true effort for green belt.

Councilmember Powell: The ordinance is before us we might as well try to tighten it up.

Councilmember Vanchiere: My point is this is a complete list but you won't get so many of these uses at the same time.

Councilmember Powell: Concern is that we are in a residential neighborhood.

Adam Cowie: We could come back if there is more discussion needed on just this paragraph, could come back with a list to limit the number of things that could be selected, look at square footage limitations of these types of things - like the food manufacturing.

Mayor Lundberg: Bring back a little more research and data on this at a future day and time. Bring back an ordinance regarding the uses.

Councilmember Broderick: I am alright to strike amphitheater now and bring back the ordinance.

Councilmember Powell: Moved to approve ordinance 2023-05-O updating the Commercial Farm zone and strike out amphitheater.

End City Council Discussion Time of this item: 1:23

Item 6: Subdivision, zoning and Land Development Policies, Stand Specifications and Drawing Manual – Discussion/Work Item

Date: **November 14, 2023**

Applicant: **Lindon City**

Presenting Staff: **Michael Florence**

Type of Decision: **Legislative Action**

Planning Commission Action Required: **Not at this time**

SUMMARY OF KEY ISSUES

- **During the 2023 State of Utah legislative session the legislature passed SB 174 which establishes a new process for subdivision review and approval. One of the main points of the legislation is that it prohibits a city council from reviewing and approving a subdivision for single-family homes, two-family dwellings, or townhomes. Additional Detail is provided below of SB 174.**
- **Municipalities must adopt the provisions of SB 174 by February 1, 2024.**
- **In addition, the Utah legislature also passed HB 406 which limits the pavement width for a local residential roadway to 32'. Lindon City currently has a minimum pavement width of 34' for a local residential street.**
- **The planning commission will not be making any official decisions at this meeting but discussing options with city staff in preparation for a future ordinance draft and public hearing. The draft subdivision code and street standards are going through legal and engineering review and will continue to be refined until presented in the next staff report and presented in a public hearing.**

OVERVIEW

SB 174

- **Prohibits the city council from reviewing subdivision applications for single-family and townhome developments. So that the city is consistent, staff is proposing that the planning commission is the administrative land use authority for all types of preliminary subdivisions. The Development Review Committee (city engineers, city planners) will continue to be the final land use authority and finalize all technical reviews.**
- **The planning commission may only hold one public hearing.**
- **City staff may only have four review cycles for each application. City staff must ensure each time that the applicant has responded to each review or the city does not accept the review.**
- **Review cycles do not pertain to geologic hazard areas.**
- **The city has 15 days to review a preliminary subdivision application and 20 days for final subdivision review after application submittal. Lindon City has an internal policy of 10 days for plan reviews.**
- **The city needs to update its preliminary and final subdivision checklist which will be part of this subdivision code update.**

- The city must ensure that it does a thorough review because if the city does not address a change or correction in the plan review then the improvement is waived unless it protects public health or safety.
- The legislation sets up a new appeal process during the plan review phase where a dispute arises over a public improvement or engineering standard then the applicant has the right to appeal to a panel of experts made up of the following:
 - One licensed engineer designated by the municipality;
 - One licensed engineer designated by the land use applicant; and
 - One licensed engineer, agreed upon, and designated by the two designated engineers.
 - Members appointed to the panel may not have an interest in the application in question.

The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.
- For other appeals city staff is proposing to make the Board of Adjustment the appeal authority for all subdivision and land use reviews. The purpose in this is to allow the city council to focus on their legislative functions.
- The city is also proposing to amend section 17.08.090 which allows the city council the authority to review any land use application. The amendment would only apply to subdivisions since the state code removes the city councils ability to review subdivisions.

HB 406

- Defines a Residential Roadway as:
 - a public local residential road that:
 - will serve primarily to provide access to adjacent primarily residential areas and property;
 - is designed to accommodate minimal traffic volumes or vehicular traffic;
 - is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
 - has a posted speed limit of 25 miles per hour or less;
 - does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
 - cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
 - primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
- The bill also reduces the pavement width for a Residential Roadway to 32'. Lindon City currently has a pavement width of 34'.

Exhibits:

1. Draft subdivision code
2. Draft definition updates

- 3. Draft amendment to 17.08.090 – City Council Review**
- 4. Draft amendment to Table #1 of 17.09 which identifies land use and appeal authorities**
- 5. Draft street width standards**
- 6. Utah Code 10-9a-604.1 – Subdivision Process**
- 7. Utah Code 10-9a-604.2 – Subdivision Reviews**
- 8. Utah Code 10-9a-508 – Residential Roadway width**

Chapter 17.32

SUBDIVISIONS–SPECIAL REQUIREMENTS

Sections:

17.32.010	Scope.
17.32.020	Intent and purpose.
17.32.030	Exemptions.
17.32.040	Final plat recordation.
17.32.050	Subdivision Approval Procedure.
17.32.060	Exemption from plat requirements.
17.32.070	Amending a recorded subdivision plat.
17.32.080	File of recorded subdivisions.
17.32.090	Design Standards – Generally.
17.32.100	General Standards.
17.32.110	Lots.
17.32.120	Streets.
17.32.130	Street numbers and names.
17.32.140	Subdivision construction standards.
17.32.150	Major street frontage.
17.32.160	Street Grades.
17.32.170	Pathways, sidewalks, curbs and gutters.
17.32.180	Blocks.
17.32.190	Pedestrian crosswalks.
17.32.200	Lot sizes.
17.32.210	Easements.
17.32.220	Utility undergrounding.
17.32.230	Alleys.
17.32.240	Sanitary sewage disposal–Generally.
17.32.250	Sanitary sewer mains, laterals and house connections.
17.32.260	Sanitary sewers–Test procedures.
17.32.270	Water – Subdivider obligation to provide sufficient quantity.
17.32.280	Water–Culinary system–Storage facility.
17.32.290	Irrigation System.
17.32.300	Conditional use permit– Required.

17.32.310	Storm drainage and flood plans.
17.32.320	Flag lots.
17.32.330	Subdivision application expiration.
17.32.340	Phased Subdivisions.
17.32.350	Public Utility Lots.

17.32.010 Scope.

1. No person shall subdivide any tract of land which is located wholly or in part within Lindon City except in compliance with this division, and with the subdivision regulations adopted by the City Council. It shall be unlawful for any person to subdivide any tract of land or to sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision or a larger tract of land where the transaction would result in the subdivision of land, unless such subdivision has been created pursuant to and in accordance with the provisions of this division, local, and state code regulations; provided, that this division shall not apply to any lot or lots forming a part of a subdivision created and recorded according to then applicable law prior to the effective date of the ordinance codified in this division, except as provided in Subsection (2) of this section. This division shall apply, however, to lots created prior to adoption of the ordinance codified in this division and not in compliance with then applicable law.

2. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this division or approved by the Planning Commission ~~and City Council~~ and recorded in the county recorder's office under the provisions of this division shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning Commission ~~and the City Council~~. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(A))

17.32.020 Intent and purpose.

The purpose of this chapter and the intent of the local jurisdiction in adoption of the ordinance codified in this division is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Lindon City. This chapter will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions;
2. Assisting in the implementation of the objectives, policies, and programs of the master plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the master plan and all applicable specific plans;
3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;
4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain;
5. Consider the clustering (consideration of density as opposed to lot size) of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space;
6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces;
7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;
8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles;

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9. Ensuring adequate access to each building site;
 10. Providing sidewalks, pedestrian walkways, and multi-use trails for the safety, convenience, and enjoyment of residents of new developments;
 11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for public health, safety, and convenience;
 12. Providing adequate sites for public facilities needed to serve residents of new developments;
 13. Ensuring that costs of providing land for streets, alleys, pedestrian walkways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s);
 14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare;
 15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the master plan. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(B))

~~17.32.030 — Exemptions.~~

~~Any land divided for any purpose into three or more parts after the passage of the ordinance codified in this division shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:~~

- ~~1. Land divided into parcels, the smallest of which equals or exceeds one-quarter (1/4) of a standard section, the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e., one-quarter (1/4) sectional boundaries;~~

~~2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, and defined herein. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(C))~~

17.32.040 Final plat recordation.

The Planning Director, or his/her authorized agent, shall record the final plat with the county ~~clerk and~~ recorder after approval of the final plat by the Development Review Committee ~~or the Lindon City Council, whichever is required~~. The subdivider shall pay the expense of such recording. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(D))

17.32.050 Subdivision Approval Procedure.

~~1. All subdivision applications shall provide documentation, reports and plats as found in the subdivision checklist of the Lindon City Land Development, Standard Specifications and Drawings Manual.~~

~~12. A person may not submit a plat of a subdivision to the County Recorder's Office to be recorded with the county recorder's office for filing or recording unless preliminary plat approval a recommendation has been received from the Planning Commission, as an administrative land use authority, and the plat has been received final approval approved by the City Council or other City Officers as designated by the City Council Development Review Committee.~~

~~23. Subdivision requests and applications shall follow application requirements as established in Lindon City Code Section [17.12](#).- Document Submission and Review and the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)~~

17.32.060 Exemption from plat requirements.

~~In subdivisions of less than 3 lots, land may be sold by metes and bounds, without the necessity of recording a plat if:~~

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- ~~1. A recommendation has been received from the Planning Commission;~~
 - ~~2. The deed contains a stamp or other mark indicating that the subdivision has been approved by the City Council or other City Officers as designated by the City Council;~~
 - ~~3. The subdivision is not traversed by mapped lines of a proposed street as shown in the Lindon City general plan and does not required the dedication of any land for street or other public purposes;~~
 - ~~4. The subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the Board of Adjustment. (Ord. 2001-8, amended, 2001)~~

1. Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:

- a. qualifies as land in agricultural use under Section 59-2-502;
- b. meets the minimum size requirement of applicable land use ordinances; and
- c. is not used and will not be used for any nonagricultural purpose.
- d. The boundaries of each lot or parcel exempted under Subsection (1)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 10-9a-604, shall be recorded with the county recorder.
- e. If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the lot or parcel to comply with the requirements of Section 10-9a-603.
- f. Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
- g. The absence of the certificate or written approval required by Subsection (1) does not:
 - a. prohibit the county recorder from recording a document; or
 - b. affect the validity of a recorded document.
 - c. A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.

17.32.070 Amending a recorded subdivision plat.

Applications to amend, vacate or change a subdivision plat shall follow procedure as established in Title ~~10-9-808~~ **608** of the Utah State Code as amended. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(F))

17.32.080 File of recorded subdivisions.

Lindon City shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision action; ~~also master location map (or maps) referenced to the filing system;~~ for public use and examination. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(G))

17.32.090 Design Standards – Generally.

All subdivisions shall comply with the following **subdivision** standards unless a variance from one or more provisions ~~of this section~~ is approved by the ~~City Council~~ Board of Adjustment in accordance with the variance procedure of this ~~division~~ Title. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H))

17.32.100 General Standards.

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.
2. Land subject to hazardous conditions such as slides, mud-flows, rock-falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans. As applicable, proposed subdivisions shall follow required technical studies, reports and recommendations as found in the following chapters:

a. 17.56. SA-Sensitive Area District

b. 17.57. HP-Hillside Protection District

c. 17.62. Flood Damage Prevention

3. No lot containing five acres or less shall be created which is more than three times as long as it is wide. The Planning Commission ~~and City Council~~ may approve up to a 20% increase in the depth of a lot if they determine that the proposed development is the best use of the property and in the best interest to the City and surrounding properties. (Ord. 2007-2, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(I))

17.32.110 Lots.

1. No single lot shall be divided by a municipal or county boundary line.
2. A lot shall not be divided by a road, alley, or other lot.
3. No wedge-shaped lot shall be less than thirty feet in width at the front property line, or the lot frontage required in the zoning district, whichever is larger.
4. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Planning Commission ~~and/or City Council~~.
5. *Double Frontage Lots.* All residential lots in subdivisions shall front on a public street. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited. Frontage on lots having a front lot line on more than one (1) street, shall be measured on one (1) street only. Double frontage lots are prohibited unless approved by the planning commission for any of the following reasons:
 - a. Topography.
 - b. Residential lots in subdivisions or existing parcels where the rear yard abuts arterial or collector streets as identified on the Lindon City Street Master Plan Map. Such double frontage lots shall be accessed from internal local streets only as identified on the Lindon City Street Master Plan Map. Concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and extend to the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. All clear-view requirements shall be met for fencing.

c. Combining of two (2) residential lots or parcels and where the property would be accessed from two (2) local streets as identified on the Lindon City Street Master Plan Map. As part of the approval, a wall or view obstructing fence is allowed when the fence is set back ten (10) feet from the sidewalk, meets clear-view requirements, the setback is landscaped, and a gate is installed for landscape maintenance and snow removal. When a non-view obstructing fence is placed on the rear property line, concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and shall extend to the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. Building structures shall be set back thirty (30) feet from the rear property line. Vehicle access to the rear yard is allowed when the requirements of this section are met.

d. For double frontage lots zoned commercial or industrial, access shall be from arterial or collector streets only. Emergency access to a local street, as identified on the Lindon City Street Master Plan Map, may be considered by the land use authority when required for emergency access.

The city shall designate both front and rear yards for double frontage lots. Typically, the front yard shall follow the prevailing orientation of designated front yards of other buildings on the street.

Where the double frontage lot is also a corner lot (three (3) frontages) the required fence clear view across corner property shall follow Section [17.04.310](#) at street intersections at both the front and rear of the lot.

The street frontage abutting the rear of any approved double frontage lot shall be improved in accordance with the standards set forth in the Lindon City Development Manual and city ordinances. (Ord. 2021-8 §1, amended, 2021; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(2))

17.32.120 Streets.

1. The street layout shall conform to the Lindon City general plan and official Lindon City street master plan map adopted by the planning commission and city council.

~~a. Upon the finding of a compelling public purpose, the land use authority may approve a subdivision plan with a street layout that varies from the street master plan map; provided, that there is an existing roadway which provides adequate traffic flow and street connectivity to and from the proposed subdivision and maintaining the street master plan map's current configuration serves the public purpose of identifying the location and alignment of the right-of-way of future arterials and major collectors.~~

a. The planning commission may approve a street alignment that varies from the general plan and street master plan map but still accomplishes the street connectivity requirements. In order to remove an identified street from a subdivision and amendment to the general plan and street masterplan map shall be applied for and approved by the city council with a recommendation from the planning commission.

b. A land use application which does not require a subdivision approval, but which still requires approval of a street design and/or construction as part of the application process under Chapter [17.17](#), shall likewise have a street layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of Subsection [\(1\)\(a\)](#) of this section.

2. ~~Minor Local~~ streets shall be laid out to discourage through traffic.
3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions.
4. Intersections of ~~minor Local~~ streets with ~~major Arterial~~ streets shall be kept to a minimum.
5. Minimum right-of-way widths for public streets shall be determined by resolution adopted by of the city council for various categories of streets, but shall in no case be less than the following:
 - ~~a. Use street category minimum right-of-way width (in feet);~~
 - ~~b a. Major Arterial~~ street, eighty-two feet (82');
 - ~~c b. Collector and Local Commercial~~ street, sixty-six feet (66');
 - ~~d c. Minor Local Residential~~ street, fifty feet (50').

6. Public streets shall have pavement roadway widths as approved by the city council, but shall in no case be less than those adopted in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual, ~~the following and meet the following requirements~~

- a. ~~Major Arterial~~ street, fifty-six feet (56');
- b. ~~Collector street, forty-four to forty-eight feet (44'). See ;~~
- c. ~~Minor street or frontage road, twenty-eight feet (28').~~
- d. ~~Minimum roadway widths for private streets shall be determined by use, and shall meet public street standards.~~
- e. The Lindon City standard street cross sections ~~and utility locations (Drawing 2a--Lindon City Policies, Standard Specifications and Drawings Manual) and street and trail cross sections and utility locations (Drawing 2b--~~ per the Lindon City Policies, Standard Specifications and Drawings Manual) may be amended, changed, altered, and/or revised by the Lindon ~~City Council~~ Planning Commission for new development and/or reconstruction of existing improvements when deemed in the best interest of the general public to resolve or assist in resolving present or anticipated future conflicts with storm drainage improvements, trail and/or pathway access, aesthetics of the community, public safety, and/or other reasons when clearly identified by the ~~city council~~ Development Review Committee. ~~Before such time as the city council Planning Commission amends, revises, alters, or changes the above-mentioned cross sections, they shall receive a recommendation from the development review committee (DRC), and if deemed necessary by the DRC and/or the city council, the planning commission shall also made a recommendation.~~
- f. No partial width streets are permitted, except if required to complete a partial width street already existing or unless the city council, after review by the planning commission, determines a partial width street is necessary to resolve problems with future road alignments of streets and/or intersections, or future development.
- g. Stub streets shall be permitted or required by the planning commission ~~and city council~~ only to provide future road access to adjoining property where such access would serve as a future second access. The planning commission and city council shall determine if

stubbed streets, existing or proposed, have through access to planned future or existing public streets before such streets shall be extended or approved for construction.

7. Permanent cul-de-sac streets serving no more than fourteen (14) lots, and not more than six hundred fifty feet (650') long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty feet (50') radius or more.

8. No more than four (4) streets shall enter an intersection.

9. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the planning commission.

10. The centerline of two (2) subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty feet (150').

a. The city engineer may grant a variance to the above standards upon findings that such a variance will not be contrary to the safety of vehicular or other forms of transportation. For instance, if the centerline offset is less than one hundred fifty feet (150') and will not result in increased conflict zones for left-turning vehicles from the major street onto the subordinate streets, a variance may be granted. Notwithstanding this paragraph, a continuous centerline or offset of one hundred fifty feet (150') are the preferred standards. (Ord. 2019-10 §1, amended, 2019; Ord. 2016-24 §1, amended, 2016; Ord. 2002-8, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 2000-11, amended, 2000; Ord. 99-18, amended, 2000; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(3))

17.32.130 Street numbers and names.

Street numbers shall always be preferred over street names. Streets shall have the numbers and/or names of existing streets which are in alignment. There shall be no duplication of street numbers and/or names within the area. ~~All street numbers and/or names must be approved by the Planning Commission, and opportunity shall be given the local recorder for review and recommendations prior to the approval of street names by the Planning Commission.~~ (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(4))

17.32.140 Subdivision construction standards.

Public improvements associated with any subdivision shall be constructed according to provisions established in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)

17.32.150 ~~Major~~ Arterial street frontage.

Where a residential subdivision abuts a ~~major~~ Arterial street, frontage roads may be required. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(6))

17.32.160 Street Grades.

All street grades shall be designed as follows:

1. ~~Major~~ Arterial and collector streets shall be limited to a maximum grade of ten percent (10%). Sustained grades (600 feet or more) shall be limited to seven percent (7%).
2. ~~Minor~~ Local Residential streets shall be limited to maximum grade of twelve percent (12%). Sustained grades (600 feet or more) shall be limited to nine percent (9%).
3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.
4. Street intersections shall have a vertical alignment such that the centerline grade shall not exceed three percent (3%) for a minimum distance of fifty (50) feet each way from the centerline of the intersection.
5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.

6. All changes in vertical alignment shall be made by vertical curves with minimum length of one hundred (100) feet for minor streets and three hundred (300) feet for major streets. Actual vertical curve length shall be a function of design speed.

7. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

The City Council Planning Commission shall have the authority to make minor modifications to street grade requirements when a recommendation has been given by the Development Review Committee and the Planning Commission and one or more of the following conditions apply:

1. To facilitate the construction of essential and vital public infrastructure;
2. To facilitate the development of private property when street grade requirements would render the property undevelopable because of topographic conditions, and conditions are present or measures are proposed that would acceptably mitigate the negative effects of the steeper grades.

Street grade modifications shall be limited to single instances. Multiple street grade modification requests to allow the development of large private development projects shall not meet the purpose and intent of this section. Financial hardships associated with private development requests shall not be justification for a street grade modification. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(8))

17.32.170 Pathways, sidewalks, curbs and gutters.

Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, except as provided for in [17.32.120\(6\)\(e\)](#) and in industrial subdivisions west of Geneva Road where solely curb and gutter shall be required. Right-of-ways ~~identified as part of the Lindon City Pathways and Trails System~~ shall be improved with sidewalks, pathways, planter strips, multi-use trails, equestrian pathways, and trails as per ~~the Parks, Pathways and Trails Element of the Lindon City general plan and Chapter 17.74. Pathways and Trails of the Lindon City Code General Plan, Parks, Trails and Recreation Master Plan, and Bicycle and Pedestrian Master Plan.~~ Sidewalks, curbs and gutters may be required by the City Council Planning

Commission on existing streets ~~bordering~~ abutting the subdivision. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7 (H)(9))

17.32.180 Blocks.

Block lengths shall be reasonable as approved by the Planning Commission, and in total design shall provide for convenient access and circulation for emergency vehicles. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(10))

17.32.190 Pedestrian crosswalks.

Where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width may be required by the Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, when required by the Planning Commission. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(11))

17.32.200 Lot sizes.

~~Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the Lindon City general plan, and other available information. All lots shall conform to area requirements of any existing zoning ordinance. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(12))—~~

Lot shall meet the minimum lot size requirements of the respective zone.

17.32.210 Easements.

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.

2. Where front-line easements are required, a minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than ten feet (10') in width, extending throughout the peripheral area of the development, if required by the city engineer.

3. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations. (Ord. 2022-9 §1, amended, 2022; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(13))

17.32.220 Utility undergrounding.

Unless the Planning Commission ~~and City Council~~ determines, upon application by the subdivider, supported by recommendations of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(14))

17.32.230 Alleys.

The Planning Commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the preliminary design plans and on the final plat. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(15))

17.32.240 Sanitary sewage disposal-Generally.

1. Except as otherwise provided in this section, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this division.

2. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half (½) mile from boundary of the subdivision and shall be disapproved in any case unless approved in writing by the local health officer and the State Division of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the local health officer and the State Division of Health, in addition to any other information available to them, for recommendation to the Planning Commission. The following requirements shall be met:

- a. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
- b. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of six (6) feet from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least one thousand five hundred (1500) feet from any shallow water supply well and one hundred (100) feet from any stream or water course, and at least two hundred (200) feet from any major live stream; and at least ten (10) feet from any dwelling or property line.
- c. Soils having a percolation rate slower than or faster than standards allowed by the local health officer or the State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- d. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, US Department of Agriculture, Soil Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

3. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site

investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet local health officer and Utah State Division of Health standards and regulations. In addition, the local health officer shall find that the proposed corrective measures have overcome or will overcome the severe soil limitations.

4. Other applicable standards adopted by the City Council and local and state health departments. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(16))

17.32.250 Sanitary sewer mains, laterals and house connections.

Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider, in addition to the installation of temporary individual on-lot sanitary sewage disposal systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of eight inches in diameter. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(17))

~~17.32.260 Sanitary sewers—Test procedures.~~

~~Tests of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with US Public Health Service Publication No. 526, 1963 Edition, and with other local and state health requirements. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(18))~~

17.32.270 Water – Subdivider obligation to provide sufficient quantity.

The procurement of water shall be the responsibility of the subdivider; and water shall be provided for the exclusive use of Lindon City according to LCC Section [17.66](#). In residential zones one share of North Union Water or its equivalent per net acre shall be submitted ~~9 and~~ rounded to the nearest 1/10th share per acre) and in non-residential zone one half (½) share of North Union water or its equivalent per net acre shall be submitted (rounded to the ~~4~~ nearest 1/10~~th~~ share per acre). Water shares other than North Union shall be accepted as per the Lindon City Fee Schedule and LCC Section [17.66](#). (Ord. 2007-8, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(19))

17.32.280 Water–Culinary system– ~~Storage facility~~.

The culinary water system ~~storage facility~~ shall extend to the property line of every lot and shall be capable of delivering ~~the minimum~~ flows ~~requirements~~ required by the Uniform Fire Code as adopted by Lindon City. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(21))

17.32.290 Irrigation System.

1. Where an existing irrigation system consisting of open ditches is located on ~~or adjacent to or within one hundred (100) feet of~~ a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(22))

~~17.32.300~~ — Conditional use permit— Required.

~~A conditional use permit shall be required for the development of any subdivision. Final plat approval shall constitute such conditional use permit for any subdivision. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(23))~~

17.32.310 Storm drainage and flood plans.

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.

2. The drainage and flood plan systems shall be designed to:

- a. Permit the unimpeded flow of natural water courses;
- b. Ensure adequate drainage of all low points;
- c. ~~Ensure applications of the following regulations regarding development in designated flood plains: Meet the requirements as established in 17.62 – Flood Damage Prevention.~~
 - ~~i. Construction of buildings shall not be permitted in a designated flood way with a return frequency more often than a one-hundred-year storm,~~
 - ~~ii. Building construction may occur in that portion of the designated flood way where the return frequency is between a one-hundred-year and a maximum probable storm, provided all usable floor space is constructed above the designated maximum probable flood level,~~
 - ~~iii. Where flood way velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted,~~

~~iv. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, encased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation,~~

- d. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated flood-way constitute an encroachment and must be approved by the Planning Commission before accomplishment,
- e. No lot one acre or less in area shall include flood-lands. All lots more than one acre shall contain not less than forty thousand square feet of land which is at an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood record;
- f. Consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream;
- g. All proposed surface drainage structures shall be indicated on the plans;
- h. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(l))

17.32.320 Flag lots.

1. *Purpose.* Flag lots are intended to allow reasonable utilization of property that has sufficient acreage for development, but lacks the required street frontage. Flag lots may be considered on parcels where the extension of public streets cannot or should not be extended due to the disruption of sensitive lands and natural features, or potential of significant impacts to the surrounding neighborhood that would be caused by a public street. Although standard frontage requirements and public roadways are encouraged, the intent of this ordinance is to allow flag lots if the development is the most harmonious to the existing subdivision layout

and/or is the least disruptive configuration for the neighborhood. Additionally, flag lots may be considered for properties that have topographic constraints, off lot configuration, constraints caused by the built environment, etc. for which access by a public road is not feasible. It is not the intent of this ordinance to promote flat lots in order to merely 'maximize' the number of potential lots within a subdivision or to alleviate subdividing hardships that are self-imposed.

2. Flag lots are only permitted when one of the following two circumstances exists:

- a. At the time of application, development using standard public streets is not possible. The property has specific constraints that limit access, public street frontage, and/or construction of a standard public roadway. These abnormal constraints may be restrictive topography, constraints caused by built environment, irregular lot configuration, ownership limitations, environmental constraints such as wetlands, springs, ditches, or canals, etc.
- b. Development using standard public streets is possible, but not in the best interest of the public.

3. In order to demonstrate that this circumstance exists, the applicant shall provide conceptual development plans showing the development with and without the proposed flag lot that demonstrate that each of the following characteristics is present:

- a. The design of the flag lot is harmonious and compatible with the configuration of the overall subdivision and/or neighborhood and will not adversely affect the living environment of the surrounding area.
- b. Standard public street construction would cause disruption to the neighborhood in a significant physical or aesthetic manner, therefore making the flag lot access preferable to a public street.
- c. Development of the flag lot will decrease public infrastructure while still providing in-fill development and efficient use of the land that is compatible with Lindon City development standards.

4. Assuming an application meets the criteria in #2 above, no more than one flag lot shall be permitted at the time of an initial subdivision application unless, at their sole discretion, the Planning Commission and City Council determine that additional flag lots within a development provide for the most compatible overall design within a neighborhood. As stated in the

'purpose' of this ordinance, it is not the intent of the City to promote flag lots in order for developers to merely 'maximize' the number of potential lots within a subdivision.

5. A flag lot must be a minimum of 20,000 square feet, and the remaining parcel from which the flag was created must meet or exceed the minimum lot area requirements of the zone in which it is located. The square footage calculation of such lots shall not include the area of any driveway access (flag pole) for the flag lot.

6. Frontage, driveway and development procedures apply as follows:

- a. The lot shall have at least twenty-five (25) feet of frontage on a dedicated public street, which frontage serves as access only to the subject lot. The 25 foot width shall be maintained for the full length of the 'flag pole' portion of the platted lot.
- b. Prior to recording the subdivision plat, the developer shall post a bond with the City to cover installation of the driveway and utilities to the end of the 'flag pole' portion of the lot.
- c. Prior to issuance of a building permit for a dwelling on the flag lot, installation of road base for the driveway and utilities shall be installed to at least the end of the 'flag pole' portion of the lot.
- d. The driveway serving the flag lot must have a surface traversable by a fire truck that is at least twenty (20) feet wide, of which 16 feet must be paved with a hard surface prior to the issuance of a Certificate of Occupancy for the proposed dwelling. Where a fire hydrant is located along the 'flag pole' portion of the lot the width of the lot adjacent to the fire hydrant must be thirty-one (31) feet wide (rather than 25 feet wide), and the surface traversable by a fire truck must be at least 26 feet wide (rather than twenty (20) feet wide).
- e. Prior to issuance of a Certificate of Occupancy for a dwelling on a flag lot, the edges of the driveway area (flag pole) that are not paved shall be landscaped and properly maintained. Such landscaping shall not hinder emergency vehicle access to the property.
- f. An adequate emergency vehicle turn-around at the end of the driveway shall be constructed as approve by the Fire Chief. An accessible fire hydrant shall be located within 200 feet of any dwelling on the flag lot. Possible adverse impacts of excessive driveway lengths shall be considered by the Planning Commission, City Council, and emergency services.

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- g. No parking or storage of any kind shall be allowed on the designated driveway.
 - h. A flag lot driveway shall not serve more than one lot, and shall have no more than one dwelling unit and an accessory apartment per lot. Other than accessory apartments, R2 Overlay projects are not permitted on flag lots.
 - i. Adjoining lots shall not be permitted to have access from a flag lot driveway.
7. Construction of residences and accessory buildings on flag lots shall be limited to a maximum building height of 35 feet from finished grade. Building height restrictions shall be noted on the subdivision plat.
8. In order to further regulate the height of proposed structures, fill at the perimeter of buildings on the flag lot shall be limited to no more than 4 feet above the street grade from which the property has access. Properties that have a pre-existing grade that is higher than 4 feet above the street level are exempted from this fill limitation. The Planning Director and City Engineer may waive or modify the four 4 foot 'fill limitation' in specific instances where the fill limitation is found to be overly burdensome to the property owner (ex., the limited fill would prohibit utility connections to the dwelling, or the limited fill creates drainage problems that can't be reasonably mitigated, etc.).
9. The address of the dwelling on the flag lot shall be clearly displayed and visible from the public road and shall be maintained in a way to differentiate the flag lot from any adjacent properties.
10. Setbacks for the residence on the flag lot shall be defined as follows: Front yard setback shall be 30 feet, rear yard setback shall be 30 feet, and side yard setbacks shall be 15 feet on each side yard of the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.
11. For purposes of determining the setbacks of the flag lot, the front property line shall be the nearest line that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is not regulated.
12. Accessory structures for flag lots may be permitted in accordance with applicable section of the Lindon City Code, but shall be limited to 25' maximum height. No accessory buildings shall be permitted on the 'flag pole' portion of the driveway of the flag lot.
13. Flag lots shall only be permitted in the R1-12 and R1-20 zones.
-

14. Unless otherwise approved by the Planning Commission ~~and City Council~~, all flag lot driveway access points on a public road must have at least two legal parcels located between any other flag lot driveway on the same side of the street. Flag lots may only be adjacent to each other if the flag lots are accessed from different roadways or at least two legal parcels are located between any other flag lot driveway on the same side of the street.

15. In addition to the minimum requirements above, the Planning Commission ~~and City Council~~ may impose additional conditions on flag lots including, but not limited to, the following;

- a. Fencing and screening requirements.
- b. Installation of one or more fire hydrants or other safety related items.
- c. Installation of curb and/or gutter along private drives.
- d. Other conditions that increase the compatibility of the proposed project with existing conditions and surroundings.

16. Due to the typical nature of flag lots being created from long, deep parcels, flag lots are exempted from any width-to-depth ratio requirements. (Ord. 2015-01, amended, 2015; Ord. 2008-2, amended, 2008; Ord. 2007-10, amended, 2007; Ord. 2006-8, amended, 2006; Ord. 2002-12, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 99-14, amended, 2000)

17.32.330 Subdivision application expiration.

Subdivision applications shall not be considered for processing and/or approval after such time as no new submittals are received by Lindon City for a period of six (6) months. Resubmitted subdivision applications related to an expired application shall conform to current zoning and subdivision standards at the time of resubmittal. (Ord. 2001-8, amended, 2001)

17.32.340 Phased Subdivisions.

1. *Purpose.* The intent of this section is to allow for incremental recordation of final plats and posting of public improvement bonds. By allowing these steps in the subdividing process to be

phased, Lindon City can approve a subdivision's master plan while relieving the applicant of the requirement of coming before the Land Use Authority for each proposed phase. This also reduces application processing time, resulting in cost savings for the city. Additionally, phasing may grant opportunity for traditional up-front costs of subdividing to be spread out over time, thus granting an applicant a greater ability to see a project through to completion.

2. This section provides the steps required for phased subdivisions but is not intended to contain a comprehensive listing of all requirements of the Lindon City Code.

3. If the applicant is proposing phasing a subdivision into two or more sections for purposes of recording final plats, such information must be included as a part of the preliminary plat submission.

- a. A phasing plan describing each phase, anticipated number of lots and associated improvements of each phase, the order of phasing and the projected time for recording and development of each phase shall be submitted.

- b. The entire project, with all phases, shall be represented on the Preliminary Plat and be subject to the application submittal requirements for preliminary subdivision plans as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.

4. Upon preliminary approval and starting with phase one (1), final improvement and plat drawings for each phase may be submitted independently, according to the original project-phasing plan. Submittals shall be subject to the application submittal requirements for final plat and final improvement drawings as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.

- a. Phase one (1) final plat and final improvement drawings must be submitted within one (1) year of preliminary approval.

- b. Subsequent phases must submit final plat and final improvement drawings within one (1) year of recording the previous phase plat.

- c. The Design Review Committee (DRC) shall have final approval authority in determining which infrastructure improvements are required in each phase.

- d. Failure to reach submittal deadlines as outlined in a. and b. above shall result in the expiration of the preliminary plan approval and a new application shall be required.

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5. Bonding requirements as found in LCC [17.38](#) shall apply to phased subdivisions. However, bonding for public improvements may be posted with Lindon City phase by phase with specific details regarding the improvements requiring bonding to be finalized by the Design Review Committee.
 6. Additional fees according to the Lindon City Fee Schedule may be required for bond reviews, final plat reviews, and final improvement drawing reviews associated with phased subdivisions. (Ord. 2013-1, adopted, 2013)

17.32.350 Public Utility Lots.

1. Public Utility Lot is defined as a lot or parcel used for public utility facilities, including but not limited to Lindon City facilities, and may contain facilities or uses such as natural gas pressure regulating stations, power substations, communications antennae, power or telecommunication pedestals, water wells, water reservoirs/tanks, storm drainage facilities, pump stations, trails or pedestrian ways and related support facilities, and other similar uses. Public Utility Lots shall not be considered buildable lots for the purpose of constructing habitable buildings or structures intended for occupancy. Construction of non-habitable structures for the purpose of housing utility equipment or other similar uses is permitted.
2. Public Utility Lots shall be exempt from the following:
 - a. Minimum lot size requirements.
 - b. Minimum lot frontage requirements provided easement documents are recorded ensuring perpetual access to the lot.
3. Notwithstanding section [2](#) above, all other standards of the underlying zone may be imposed, subject to review and consideration by the Planning Commission of whether or not the standard or condition is necessary in order to protect the public health, safety, welfare, and aesthetics of the area, or is otherwise in the public interest.
4. Regulation of uses shall apply as listed in the Standard Land Use Table (LCC, [Appendix A](#)). This chapter is not intended to allow uses otherwise identified in the Standard Land Use Table as not being permitted within a specific zone.

5. Site plans for installation of public utility facilities are subject to Planning Commission approval as a Conditional Use. (Ord. 2013-11, adopted, 2013)

17.32.350 Appeals

1. For disputes arising from the subdivision ordinance review related to public improvements or engineering standards, the city shall advise the applicant, in writing, of the deficiency in the application and of the right to appeal and within ten (10) business days after the day on which the request is received:

a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

c. for a dispute arising from the subdivision improvement plans a panel of experts shall include:

i. One licensed engineer designated by the municipality;

ii. One licensed engineer designated by the land use applicant; and

iii. One licensed engineer, agreed upon, and designated by the two designated engineers.

iv. Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

The Lindon City Code is current through Ordinance 2023-11, passed July 17, 2023.

Disclaimer: The city recorder's office has the official version of the Lindon City Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.lindoncity.org](http://www.lindoncity.org)

[City Telephone: \(801\) 785-5043](tel:(801)785-5043)

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Definitions to be adopted as part of subdivision code update

"administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.

"Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.

"Residential roadway" means a public local residential road that:

- (a) will serve primarily to provide access to adjacent primarily residential areas and property;
- (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- (c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- (d) has a posted speed limit of 25 miles per hour or less;
- (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the municipality's review of that subdivision land use application;
- (iii) the municipality's response to that subdivision land use application, in accordance with this section; and
- (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

"Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

17.08.090 City Council Review.

The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application, except for subdivisions, in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for the development application. (Ord. 2014-5, amended, 2014; Ord. 2009-7, amended, 2009; Ord. 2008-11, amended, 2008; Ord. 111 §1, amended, 1985; Prior code §12-102-1(l); Ord. 2000-6, amended, 2000)

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Table #1.

Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change and Zoning Ordinance Amendments	City Council	None
Major Subdivisions	~~City Council~~ Planning Commission	Board of Adjustment Expert Panel – for public improvements or engineering standards (see 17.32)
Minor Subdivisions*	Planning Commission	~~City Council~~ Board of Adjustment Expert Panel – for public improvements or engineering standards (see 17.32)
Plat Amendment*	Planning Commission	~~City Council~~ Board of Adjustment Expert Panel – for public improvements or engineering standards (see 17.32)
Alteration of Nonconforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission
Building Permit*	City Staff	Planning Commission

Land Use Application	Land Use Authority	Appeal Authority
Temporary Site Plan*	City Staff	Planning Commission
1. Site Plan* 2. Site Plan in CF Zone	1. Planning Commission 2. Planning Commission – Preliminary; City Council – Final	1. ~~City Council~~ <u>Board of Adjustment</u> 2. Board of Adjustment
1. Conditional Use Permit* 2. Conditional Use Permit in CF Zone	1. Planning Commission 2. Planning Commission – Preliminary; City Council – Final	1. ~~City Council~~ <u>Board of Adjustment</u> 2. Board of Adjustment
Temporary Conditional Use Permit*	Planning Commission	~~City Council~~ <u>Board of Adjustment</u>
Variances	Board of Adjustment	None
Other Administrative Actions as Listed in Code or Performed through Department Policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative Actions	City Council	None

* In cases where the city council implements Section [17.08.090](#) and becomes the land use authority, the appeal authority becomes the board of adjustment.

(Ord. 2017-15 §1, amended, 2017; Ord. 2013-14, amended, 2013; Ord. 2008-11, amended, 2008)

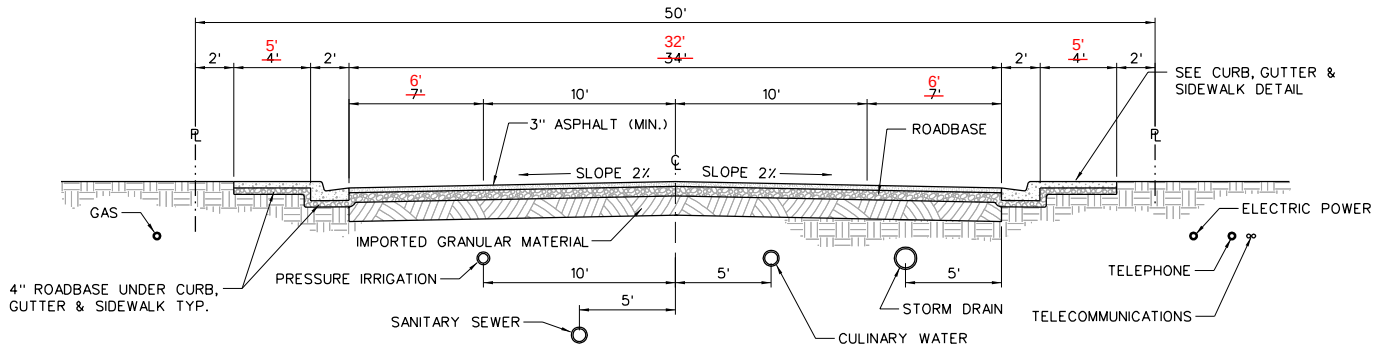
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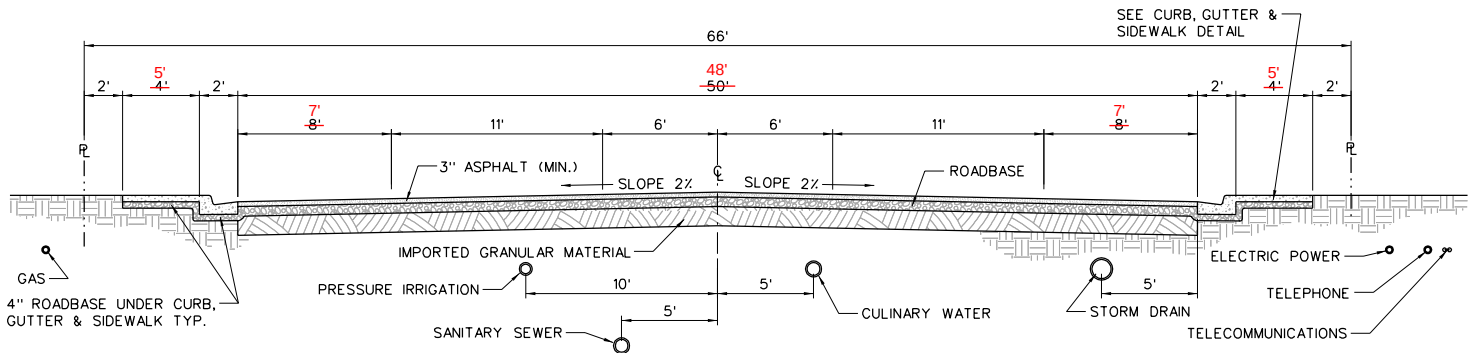
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LOCAL RESIDENTIAL
50' STREET CROSS-SECTION
LOOKING NORTH OR WEST



COLLECTOR & LOCAL COMMERCIAL
66' STREET CROSS-SECTION
LOOKING NORTH OR WEST

NOTES:

- WHEREVER POSSIBLE, CULINARY WATER LINES SHALL BE INSTALLED ON THE NORTH AND EAST SIDE OF THE STREET
- FIRE HYDRANTS SHALL BE LOCATED EVERY 400 FEET AND ON THE SAME SIDE AS THE CULINARY WATER LINES OR AS APPROVED BY THE CITY.
- WATER VALVES SHALL BE ~~ALIGNED WITH PROPERTY LINES WHERE POSSIBLE.~~ **CLUSTERED WHERE POSSIBLE.**
- NO CULINARY WATER LINE SMALLER THAN 8" DIA. SHALL BE INSTALLED WITHOUT APPROVAL OF PUBLIC WORKS.
- NO PRESSURE IRRIGATION LINE SMALLER THAN 4" DIA. SHALL BE INSTALLED WITHOUT APPROVAL OF PUBLIC WORKS.
- IMPORTED GRANULAR MATERIAL, ROADBASE AND WHERE NECESSARY ASPHALT THICKNESS WILL BE DETERMINED BY PAVEMENT DESIGN.
- TELECOMMUNICATIONS CONDUIT SHALL BE LAID WHERE TELEPHONE CONDUIT IS LAID.
- REQUIRED COVER OVER UTILITY LINES ARE AS FOLLOWS:
 CULINARY WATER • 48" MINIMUM
 PRESSURE IRRIGATION • 24" MINIMUM
 SANITARY SEWER • PER DESIGN
 STORM DRAIN • PER DESIGN
 TELECOMMUNICATIONS • 24" MINIMUM
 ALL OTHERS • PER UTILITY REQUIREMENTS
- SIDEWALK NOT REQUIRED IN INDUSTRIAL ZONES WEST OF GENEVA ROAD.



STATEMENT OF USE

THIS DOCUMENT AND ANY ILLUSTRATIONS HEREON ARE PROVIDED AS STANDARD CONSTRUCTION DETAILS WITHIN LINDON CITY. DEVIATION FROM THIS DOCUMENT REQUIRES APPROVAL OF LINDON CITY, LINDON CITY CORPORATION AND J-U-B ENGINEERS CAN NOT BE HELD LIABLE FOR MISUSE OR CHANGES REGARDING THIS DOCUMENT.

REVISION

NO.	DESCRIPTION	BY	DATE
2	REVISE 100' STREET CROSS SECTION	CJF	M.C. 1/22/04
3	ADDED TELECOMMUNICATION CONDUIT	EEA	M.C. 1/11/05
4	REMOVED 100' STREET CROSS SECTION	CJC	M.C. 12/15/06
5	ADDED NOTE 8	TRG	M.C. 1/29/08



STANDARD STREET CROSS SECTIONS
AND UTILITY LOCATIONS

LINDON CITY
 100 NORTH STATE

STANDARD DRAWING NUMBER:	2a
CAD DWG: LC StdDwg.dgn	
PLOT SCALE:	1,000
DRAWN BY:	MJ
DESIGN BY:	DCI
CHECKED BY:	MLC
ADOPTED DATE:	15 JAN 08

Effective 5/3/2023

10-9a-604.1 Process for subdivision review and approval.

- (1)
 - (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.
 - (b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
- (2)
 - (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
 - (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A municipal ordinance governing the subdivision of land shall:
 - (a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
 - (b)
 - (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
 - (ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 10-9a-605, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section 10-9a-605.
- (4)
 - (a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
 - (b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.
- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
 - (a) receive public comment; and
 - (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
- (9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:

- (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
 - (b) may not require planning commission or city council approval.
- (10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection (9) (a), a municipality shall approve the final subdivision application.

Enacted by Chapter 501, 2023 General Session

Effective 5/3/2023

10-9a-604.2 Review of subdivision land use applications and subdivision improvement plans.

- (1) As used in this section:
 - (a) "Review cycle" means the occurrence of:
 - (i) the applicant's submittal of a complete subdivision land use application;
 - (ii) the municipality's review of that subdivision land use application;
 - (iii) the municipality's response to that subdivision land use application, in accordance with this section; and
 - (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.
 - (b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
 - (c) "Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.
 - (d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.
- (2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- (3)
 - (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application, including subdivision improvement plans.
 - (b) A municipality shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:
 - (i) the application;
 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon approval of the application.
- (4)
 - (a) A municipality shall publish a list of the items that comprise a complete final subdivision land use application.
 - (b) No later than 20 business days after the day on which an applicant submits a plat, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.
- (5)
 - (a) In reviewing a subdivision land use application, a municipality may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
 - (b) A municipality's request for additional information or modifications to plans under Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications

that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles.

(d)

(i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

(6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(7)

(a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(8)

(a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Enacted by Chapter 501, 2023 General Session

Effective 5/3/2023

10-9a-508 Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

- (1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:
 - (a) an essential link exists between a legitimate governmental interest and each exaction; and
 - (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
- (2) If a land use authority imposes an exaction for another governmental entity:
 - (a) the governmental entity shall request the exaction; and
 - (b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.
- (3)
 - (a)
 - (i) Subject to the requirements of this Subsection (3), a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
 - (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:
 - (A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water pursuant to Section 19-4-114; and
 - (B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.
 - (iii) A municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there is good cause to do so.
 - (iv) A municipality shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the municipality's governing body an exaction calculation used by the municipality under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's governing body shall respond with due process.
 - (v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.
 - (b) A municipality may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).
- (4)
 - (a) If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality.
 - (b) A person to whom a municipality offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the municipality's offer.

- (c) If a person to whom a municipality offers to reconvey property declines the offer, the municipality may offer the property for sale.
- (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community reinvestment agency.
- (5)
 - (a) A municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.
 - (b) Subsection (5)(a) does not apply if a municipality requires the installation of pavement in excess of 32 feet:
 - (i) in a vehicle turnaround area;
 - (ii) in a cul-de-sac;
 - (iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;
 - (iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;
 - (v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;
 - (vi) as needed for the installation or location of a utility which is maintained by the municipality and is considered a transmission line or requires additional roadway width;
 - (vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the municipality within the roadway;
 - (viii) for utilities over 12 feet in depth;
 - (ix) for roadways with a design speed that exceeds 25 miles per hour;
 - (x) as needed for flood and stormwater routing;
 - (xi) as needed to meet fire code requirements for parking and hydrants; or
 - (xii) as needed to accommodate street parking.
 - (c) Nothing in this section shall be construed to prevent a municipality from approving a road cross section with a pavement width less than 32 feet.
 - (d)
 - (i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.
 - (ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the municipality assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
 - (iii) Unless otherwise agreed by the applicant and the municipality, the panel described in Subsection (5)(d)(ii) shall consist of the following three experts:
 - (A) one licensed engineer, designated by the municipality;
 - (B) one licensed engineer, designated by the land use applicant; and
 - (C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (5)(d)(iii)(A) and (B).
 - (iv) A member of the panel assembled by the municipality under Subsection (5)(d)(ii) may not have an interest in the application that is the subject of the appeal.
 - (v) The land use applicant shall pay:
 - (A) 50% of the cost of the panel; and
 - (B) the municipality's published appeal fee.

- (vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).
- (vii) Pursuant to Section 10-9a-801, a land use applicant or the municipality may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Amended by Chapter 255, 2023 General Session

Amended by Chapter 478, 2023 General Session